Copyright Enactments

LAWS PASSED IN THE UNITED STATES SINCE 1783

RELATING TO COPYRIGHT

COPYRIGHT OFFICE

Bulletin No. 3

(*Revised*)

347

Copyright Enactments

LAWS PASSED IN THE UNITED STATES SINCE 1783

RELATING TO COPYRIGHT

COPYRIGHT OFFICE

Bulletin No. 3

(*Revised*)

COPYRIGHT OFFICE
LIBRARY OF CONGRESS
Washington : 1963

PREFACE

This loose-leaf compilation of United States copyright laws and related matter, which has been prepared for public as well as official use, is essentially a revision and expansion of Copyright Office Bulletin No. 3, originally compiled in 1900 by Thorvald Solberg, who was then Register of Copyrights.

A previous compilation which covered the years 1783–1952 and was prepared under the supervision of Louis Charles Smith, former Senior Attorney in the Copyright Office, was internally processed in 1952 as a working paper for the Copyright Office staff. This new edition has been brought up to date through the year 1962.

L.C. card 63–60062

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington 25, D.C. - Price $2.00

TABLE OF CONTENTS

	Page
I. Resolution of the Continental Congress Respecting Copyright, 1783	1
II. Copyright Laws Passed by the Original States, 1783–1786	1
Connecticut	1
Massachusetts	4
Maryland	5
New Jersey	6
New Hampshire	8
Rhode Island	9
Pennsylvania	10
South Carolina	11
Virginia	14
North Carolina	15
Georgia	17
New York	19
Delaware (no copyright law—see note)	21
III. Provision of the Constitution	21
IV. Public Acts Relating to Copyright Passed by the Congress of the United States, 1790 to Date	22
First Congress, Second Session	
May 31, 1790. The first copyright law of the United States of America	22
Seventh Congress, First Session	
April 29, 1802. An amendment to the copyright law of 1790 adding a notice requirement and extending copyright to the art of designing, engraving, and etching historical and other prints	24
Fifteenth Congress, Second Session	
February 15, 1819. An act to extend the jurisdiction of the circuit courts of the United States to cases arising under the law relating to patents and copyrights	26
Twenty-first Congress, Second Session	
February 3, 1831. An act to amend the several acts respecting copyrights (First general revision of the copyright law)	27
Twenty-third Congress, First Session	
June 30, 1834. An act providing for the recordation of assignments of copyright	31
Twenty-ninth Congress, First Session	
August 10, 1846. Provisions for the deposit of copies of copyrighted works, contained in an act to establish the "Smithsonian Institution"	32
Thirty-third Congress, Second Session	
March 3, 1855. Provisions for the free transmission of copyright deposits through the mails, contained in an act making appropriations for the Post Office Department	32
Thirty-fourth Congress, First Session	
August 18, 1856. A supplemental act providing for performance rights in dramatic compositions	33

Thirty-fifth Congress, Second Session

Page

February 5, 1859. An act transferring all copyright deposits and records from the Department of State to the Department of the Interior 33

Thirty-sixth Congress, Second Session

February 18, 1861. An act extending the right of appeal from decisions of circuit courts to the Supreme Court of the United States in patent and copyright cases 34

Thirty-eighth Congress, Second Session

March 3, 1865. A supplemental act providing for the protection of photographs and for the deposit of copyrighted works in the Library of Congress including free transmission through the mails 34

Thirty-ninth Congress, Second Session

February 18, 1867. An amendatory act relating to the deposit of copyrighted works in the Library of Congress and their free transmission through the mails 35

Forty-first Congress, Second Session

July 8, 1870. An act to revise, consolidate, and amend the statutes relating to patents and copyrights (Second general revision of the copyright law) .. 36

Forty-second Congress, Second Session

June 8, 1872. Provisions for the free transmission through the mails of copyright matter to the Librarian of Congress, contained in an act relating to the Post Office Department 42

Forty-third Congress, First Session

December 1, 1873. An act containing provisions relating to the jurisdiction of and procedures in the United States Courts in cases arising under the patent and copyright laws 42
December 1, 1873. The copyright law as incorporated in Title 60 of the Revised Statutes of the United States 43
June 18, 1874. An amendatory act containing provisions relating to the copyright notice, the fee for recording assignments, and the registration in the Patent Office of copyright claims in commercial prints and labels .. 47

Forty-fifth Congress, Third Session

March 3, 1879. Provision prohibiting the transmission through the mails of any publication which violates any "copyright granted by the United States", contained in a Post Office Department appropriations act 48

Forty-seventh Congress, First Session

August 1, 1882. An amendatory act regarding the position of the copyright notice upon molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright 49

Fifty-first Congress, Second Session

March 3, 1891. An act amending various sections of the Revised Statutes relating to copyright and including provisions for international copyright. (The so-called "International Copyright Act") 49

Fifty-second Congress, Second Session

February 9, 1893. Provision, in an act to establish a court of appeals for the District of Columbia, for review by the Supreme Court of the United States of cases involving the validity of any patent or copyright 54
March 3, 1893. An act relating to certain delayed deposits of copyrighted works 54

Fifty-third Congress, Third Session

Page

January 12, 1895. Provision that no "Government publication shall be copyrighted", contained in an act relating to public printing 55
March 2, 1895. An amendatory act relating to damages and penalties in cases of copyright infringement 55

Fifty-fourth Congress, Second Session

January 6, 1897. An amendatory act relating to the remedies for unauthorized public performance of dramatic and musical compositions 56
February 19, 1897. Provisions establishing the Copyright Office (then called Copyright Department) and the position of Register of Copyrights, contained in an appropriation act 57
March 3, 1897. An amendatory act relating to false notices of copyright and prohibited importations 58

Fifty-sixth Congress, First Session

April 17, 1900. Provisions for the Copyright Office and staff, contained in an appropriation act 59

Fifty-eighth Congress, Second Session

January 7, 1904. An act to afford protection to exhibitors of foreign literary, artistic or musical works at the Louisiana Purchase Exposition 60

Fifty-eighth Congress, Third Session

March 3, 1905. An amendatory act relating to the protection of books in foreign languages first published abroad 62

Sixtieth Congress, Second Session

March 4, 1909. An act, which came into effect on July 1, 1909, to amend and consolidate the acts respecting copyright (Third general revision of the copyright law) 64

Sixty-second Congress, Second Session

August 24, 1912. An amendatory act providing principally for copyright in motion pictures 87

Sixty-second Congress, Third Session

March 2, 1913. An amendatory act relating to the certificate of registration 90

Sixty-third Congress, Second Session

March 28, 1914. An amendatory act relating to the deposit of works by foreign authors published abroad 91

Sixty-sixth Congress, Second Session

December 18, 1919. An act amending the provisions relating to ad interim copyright and providing for an extension of time for compliance with the conditions and formalities in respect to works first published abroad in the English language during the period of World War I 93, 137

Sixty-ninth Congress, First Session

July 3, 1926. An act amending the manufacturing provisions in respect to books and periodicals 93

Seventieth Congress, First Session

May 23, 1928. An amendatory act relating to the copyright fees and the price of the Catalog of Copyright Entries 95

Seventy-fifth Congress, Third Session

Page

January 27, 1938. An act to permit the printing of black and white illustrations of United States and foreign postage stamps for philatelic purposes ---------- 96

Seventy-sixth Congress, First Session

July 31, 1939. An act transferring jurisdiction over commercial prints and labels from the Patent Office to the Copyright Office---------- 99

Seventy-sixth Congress, Third Session

March 15, 1940. An amendatory act relating to renewal copyright with respect to contributions to periodicals or composite works---------- 100

April 11, 1940. An amendatory act providing for the making and enforcement of rules and regulations by the Secretary of the Treasury and the Postmaster General in regard to prohibited importations---------- 100

Seventy-seventh Congress, First Session

September 25, 1941. An amendatory act authorizing the President to grant extensions of time for compliance with conditions and formalities prescribed in the copyright law---------- 101

Eightieth Congress, First Session

July 30, 1947. Codification and enactment into positive law of Title 17 of the United States Code, entitled "Copyrights"---------- 102

Eightieth Congress, Second Session

April 27, 1948. An amendatory act relating to the copyright fees and the price of the Catalog of Copyright Entries---------- 122

June 25, 1948. Provision for the repeal of sections 101(f), 102, 103, 110, and 111 of Title 17, United States Code, relating to judicial proceedings, contained in an act revising, codifying and enacting into law Title 28, United States Code---------- 123

Eighty-first Congress, First Session

June 3, 1949. An amendatory act relating to the manufacture of books and periodicals, ad interim copyright, and the deposit of copies and catalog cards for foreign works in lieu of payment of copyright fee---------- 124

Eighty-second Congress, First Session

October 31, 1951. An amendatory act correcting a number of technical discrepancies in the copyright law---------- 126

Eighty-second Congress, Second Session

July 17, 1952. An amendatory act to provide public performance and recording rights for non-dramatic literary works---------- 127

Eighty-third Congress, Second Session

April 13, 1954. An amendatory act defining the day for taking action when the last day for taking such action falls on Saturday, Sunday or a holiday---------- 128

August 31, 1954. An amendatory act principally relating to the coming into force in the United States of the Universal Copyright Convention and the relaxation of the manufacturing clause regarding works of foreign origin---------- 129

Eighty-fourth Congress, Second Session

March 29, 1956. An amendatory act to permit deposit of photographs or other identifying reproductions in lieu of copies of published works in certain classes---------- 132

Eighty-fifth Congress, First Session

Page

September 7, 1957. An amendatory act providing for a statute of limitations with respect to civil actions 133

Eighty-seventh Congress, Second Session

September 7, 1962. Section 8, Title 17 of an amendatory act to codify recent public laws relating to the postal service and to improve the Code 134
September 19, 1962. An amendatory act extending the duration of copyright protection in renewals 135

V. APPENDIX:
Parallel reference tables (Act of March 4, 1909, as amended, in Title 17, United States Code) 136
Section 8 of the Act of March 4, 1909 137
Copyright in territories and insular possessions of the United States 138
Massachusetts Bay Colony enactment of May 15, 1672 140

INDEX 141

COPYRIGHT ENACTMENTS.

I.

RESOLUTION PASSED BY THE CONTINENTAL CONGRESS, RECOMMENDING THE SEVERAL STATES TO SECURE TO THE AUTHORS OR PUBLISHERS OF NEW BOOKS THE COPYRIGHT OF SUCH BOOKS. MAY 2, 1783.

COPYRIGHT IN CONGRESS.

1783, Friday, May 2. On the report of a committee, consisting of Mr. Williamson, Mr. Izard and Mr. Madison, to whom were referred sundry papers and memorials on the subject of literary property.

Resolved, That it be recommended to the several States, to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their executors, administrators and assigns, the copy right of such books for a certain time not less than fourteen years from the first publication; and to secure to the said authors, if they shall survive the term first mentioned, and to their executors, administrators and assigns, the copy right of such books for another term of time not less than fourteen years, such copy or exclusive right of printing, publishing and vending the same, to be secured to the original authors, or publishers, their executors, administrators and assigns, by such laws and under such restrictions as to the several States may seem proper.

In "Journal of the United States in Congress assembled, Containing the Proceedings from Nov. 1782, to Nov. 1783." Printed by order of Congress. Vol. 8, 8vo. Philadelphia, D. C. Claypoole, 1783, pp. 256–257.

Also printed in "Journals of the American Congress: from 1774 to 1788." Vol. 4, 8vo. Washington, Way & Gideon, 1823, p. 219.

II.

COPYRIGHT LAWS PASSED BY THE ORIGINAL STATES: 1783–1786.

CONNECTICUT.

AN ACT for the encouragement of literature and genius.

1783, Jan. Sess. Whereas it is perfectly agreeable to the principles of natural equity and justice, that every author should be secured in receiving the profits that may arise from the sale of his works, and such security may encourage men of learning and genius to publish their writings; which may do honor to their country, and service to mankind.

Be it enacted by the governor, council and representatives, in general court assembled, and by the authority of the same, That the author of any book or pamphlet not yet printed, or of any map or chart, being an inhabitant or resident in these United States, and his heirs and assigns, shall have the sole liberty of printing, publishing and vending the same within this State, for the term of fourteen years, to commence from the day of its first publication in this State. And if any person or persons within the said term of fourteen years as aforesaid, shall presume to print or re-print any such book, pamphlet, map or chart within this State, or to import or introduce into this State for sale, any copies thereof, re-printed beyond the limits of this State, or shall knowingly publish, vend and utter, or distribute the same without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall forfeit and pay to the proprietor of such book, pamphlet, map or chart double the value of all the copies thereof, so printed, imported, distributed, vended, or exposed for sale; to be recovered by such proprietor in any court of law in this State, proper to try the same.

Provided nevertheless, That no author, assignee or proprietor of any such book, pamphlet, map or chart shall be entitled to take the benefit of this statute, until he shall duly register his name as author, assignee, or proprietor, with the title thereof, in the office of the Secretary of this State, who is hereby impowered and directed to enter the same on record.

And be it further enacted by the authority aforesaid, That at the expiration of the said term of fourteen years, in the cases above mentioned, the sole right of printing and disposing of any such book, pamphlet, map or chart in this State, shall return to the author thereof, if then living, and his heirs and assigns, for the term of fourteen years more, to commence at the end of said first term; and that all and every person or persons who shall re-print, import, vend, utter or distribute in this State, any copies thereof without the consent of such proprietor, obtained as aforesaid, during said second term of fourteen years, shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

And whereas it is equally necessary, for the encouragement of learning, that the inhabitants of this State be furnished with useful books, &c., at reasonable prices:

Be it further enacted, That whenever any such author or proprietor of such book, pamphlet, map or chart, shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labour, time, expence, and risque of sale, the judge of the superior court in this State, on complaint thereof made to him in writing, is hereby authorized and impowered to summon such author or proprietor to appear before the next superior court, to be holden in that county where such author or proprietor dwells, if a resident in this State, if not, in that county where such complainant dwells;

and said court are hereby authorized and impowered to enquire into the justice of said complaint, and if the same be found true, to take such sufficient recognizance and security of such author or proprietor, conditioned that he shall within such reasonable time, as said court shall direct, publish and offer for sale in this State, a sufficient number of copies of such book, pamphlet, map, or chart, at such reasonable price as said court shall, on due consideration affix: And if such author or proprietor shall, before said court, neglect or refuse to give such security as aforesaid, the said court are hereby authorized and impowered to give such complainant, a full and ample licence to re-print and publish such book, pamphlet, map or chart, in such numbers and for such term as said court shall judge just and reasonable: *Provided* said complainant shall give sufficient security before said court, to afford said reprinted edition at such reasonable price as said court shall thereto affix.

And be it further enacted, That any person or persons who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained, (if such author or proprietor be living, and resident in, or inhabitant of these United States) shall be liable to suffer and pay to the said author or proprietor his just damages for such injury; to be recovered by action brought on this statute, in any court of law in this State, proper to try the same.

Provided always, That nothing in this act shall extend to affect, prejudice or confirm the rights which any person may have to the printing or publishing of any book, pamphlet, map or chart, at common law, in cases not mentioned in this act, or to screen from legal punishment any person or persons who may be guilty of printing or publishing any book, pamphlet or paper that may be prophane, treasonable, defamatory, or injurious to government, morals or religion.

Provided also, That this act shall not extend, or be construed to extend in favour, or for the benefit of any author or persons residing in, or inhabitant of any other of the United States, until the State or States, in which such person or persons reside or dwell, shall have passed similar laws in favour of the authors of new publications, and their heirs and assigns.

(NOTE.—This act was repealed by the act, Chapter IX, October session, 1812 of the general assembly of State of Connecticut, "Public State Laws of the State of Connecticut, Book II, October Session, 1812," p. 104.)

In "Acts and Laws of the State of Connecticut, in America [Compiled by Roger Sherman and Richard Law]." fol. New-London, printed by Timothy Green, 1784, pp. 133-134.

In "Acts and laws of Connecticut [by R. Sherman and R. Law." 2d issue.] 8vo. Hartford, E. Babcock, 1786, pp. 133-134.

In "Acts and laws of the State of Connecticut. [Compiled by Chauncey Goodrich, Jonathan Brace, and Enoch Perkins.]" 8vo. Hartford, Hudson & Goodwin, 1796-['98], pp. 282-284.

In "Acts and laws of the State of Connecticut." 8vo. Hartford, Hudson & Goodwin, 1805, pp. 282–284.

In "The public statute law of the State of Connecticut. [Compiled by J. Treadwell, Enoch Perkins, and Thomas Day.]" Book 1, 8vo. Hartford, Hudson & Goodwin, 1808, pp. 474–476.

MASSACHUSETTS.[a]

AN ACT for the purpose of securing to authors the exclusive right and benefit of publishing their literary productions, for twenty-one years.

1783, March 17. Whereas the improvement of knowledge, the progress of civilization, the public weal of the community, and the advancement of human happiness, greatly depend on the efforts of learned and ingenious persons in the various arts and sciences: As the principal encouragement such persons can have to make great and beneficial exertions of this nature, must exist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind:

Therefore, to encourage learned and ingenious persons to write useful books for the benefit of mankind:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all books, treatises, and other literary works, having the name or names of the author or authors thereof printed and published with the same, shall be the sole property of the said author or authors, being subjects of the United States of America, their heirs and assigns, for the full and compleat term of twenty-one years, from the date of their first publication.

And be it further enacted by the authority aforesaid, That if any person or persons shall print, re-print, publish, sell or expose to sale, or shall cause to be printed, re-printed, published, sold, or exposed to sale, any book, treatise, or other literary work, not yet printed, written by any subject of the United States of America, whose name, as author, shall have been thereto prefixed, without consent of the author or authors, or their assigns, during said term, shall forfeit and pay a sum not exceeding *three thousand pounds*, nor less than *five pounds*, to the use of such author or authors, or their assigns; to be recovered by action of debt in any court of record proper to try the same. Provided always, that every author of such book, treatise, or other literary work shall, in order to his holding such sole property in them, present two printed copies of each and every of them to the library of the University of Cambridge, for the use of the said university; and prior to the recovery of the said forfeiture, or any part thereof, shall produce, in

---

[a] NOTE.—An interesting early "order" of the Massachusetts Bay Colony, enacted May 15, 1672, provided for the enforcement of contracts between authors and printers to prevent the printing of more copies of an author's books than the author himself had agreed upon. For the full text of this document see Appendix, p. 140.

open court where such action shall be tried, a receipt of such book, treatise, or other literary work from the librarian of the said university for the time being. Provided also, that this act shall not be construed to extend in favor or for the benefit of any author or authors, subject or subjects of any other of the United States, until the State or States of which such authors are subjects shall have passed similar laws for securing to authors the exclusive right and benefit of publishing their literary productions.

(This act passed March 17, 1783. Chap. 26, of the "Acts and laws passed by the great and general court or assembly of Massachusetts: Begun and held at Boston, the 29th of May, A. D. 1782; and from thence continued by adjournments to Wednesday, the 29th of January following, and then met.")

In "Acts and laws of the Commonwealth of Massachusetts." fol. Boston, B. Edes & Sons, 1781–['83], p. 236.

In "The perpetual laws of the Commonwealth of Massachusetts, 1780 to 1789." fol. Boston, Adams & Nourse, 1789, pp. 369–370.

In "The general laws of Massachusetts, from the adoption of the Constitution, to 1822. By Asahel Stearns and Lemuel Shaw, commissioners; Theron Metcalf, editor." Vol. 1, 8vo. Boston, 1823, pp. 80–81.

MARYLAND.

AN ACT respecting literary property.

1783, April 21.

Whereas printers, booksellers, and other persons may take the liberty of printing, reprinting, and publishing, or causing to be printed, reprinted, and published, books and other writings, without the consent of the authors or proprietors of such books and writings, to their great injury: For preventing therefore such practices, and for the encouragement of learned men,

II. *Be it enacted by the general assembly of Maryland*, That the author of any book or books, writing or writings, already composed and not printed or published, or that shall be hereafter composed, and his executors, administrators, or assigns, shall have the sole liberty of printing and reprinting such book or books, writing or writings, for the term of fourteen years, to commence from the day of the first publishing of the same; and that if any other person whatsoever, within the time granted and limited by this act as aforesaid, shall print, reprint import or bring into the State, or cause to be printed, reprinted, imported or brought into the State, any such book or books, writing or writings, without the consent of the proprietor or proprietors thereof first had and obtained in writing, signed in the presence of two or more witnesses, or knowing the same to be so printed, reprinted, imported or brought into the State, without the consent of the proprietors, shall sell, publish, or expose to sale, any such book or books, writing or writings, without such consent first had and obtained as aforesaid, then such offender or offenders shall forfeit such book or

books, writing or writings, to the proprietor or proprietors; and further, that every such offender or offenders shall forfeit two-pence for every sheet which shall be found in his, her, or their custody, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this act.

III. And, whereas many persons may through ignorance offend against this act, unless some provision be made, whereby the property in every such book as is intended by this act to be secured to the proprietor or proprietors thereof may be ascertained: Therefore, be it enacted that nothing in this act contained shall be construed to extend to subject any person whatsoever to the forfeitures and penalties herein mentioned, or by reason of the printing, reprinting, importing, bringing into the State, or causing to be brought into the State, selling or exposing to sale, of any book or books, writing or writings, without the consent of the proprietor or proprietors, unless the title to the copy of such book or books, writing or writings, hereafter published, shall, before such publication by the proprietor or proprietors, be entered into a register, to be kept by the clerk of the general court for that purpose; which register may, at all reasonable and convenient times, be resorted to and inspected by any person, for the purpose before mentioned, without any fee or reward; and the clerk aforesaid, when and as often as thereunto required, shall give a certificate under his hand of such entry or entries, and for every such certificate may take and receive a fee of three shillings and nine-pence.

IV. *And be it enacted*, That all actions or informations for any offence that shall be committed against this act, shall be brought and commenced within twelve months after such offence committed, or the same shall be void and of none effect.

V. *Provided always*, That after the expiration of the aforesaid term of fourteen years, the sole right of printing or disposing of copies shall return to the authors thereof, if they are then living, for another term of fourteen years.

VI. This act to commence and be in force from and after the time that similar laws shall be passed respecting literary property in all and every of the United States.

In "Laws of Maryland, made and passed, at a session of assembly, begun and held at the city of Annapolis on Monday the 21st of April, 1783." fol. Annapolis, F. Green, printer to the State [1783], chapter 34.
[The pages are not numbered.]

NEW JERSEY.

AN ACT for the promotion and encouragement of literature.

1783, May 27. **Whereas learning tends to the embellishment of human nature, the honour of the nation, and the general good of mankind; and as it is perfectly agreeable to the principles of equity, that men of learning who devote their time and talents**

to the preparing treatises for publication, should have the profits that may arise from the sale of their works secured to them: Therefore,

SEC. 1. *Be it enacted by the council and general assembly of this State, and it is hereby enacted by the authority of the same*, That the author of any book or pamphlet not yet printed, being an inhabitant or resident in the United States of America, and his heirs and assigns, shall have the exclusive right of printing, publishing, and vending the same within this State for the term of fourteen years, to commence from the day of its first publication in this State; and if any person or persons within said term of fourteen years, as aforesaid, shall presume to print any such book or pamphlet within this State, or to introduce into this State for sale any copies of such book or pamphlet printed beyond the limits of this State, or shall knowingly publish, vend, utter, or distribute the same without the consent of the author or proprietor thereof in writing, duly attested, every such person or persons shall forfeit and pay to the author or proprietor of such book or pamphlet double the value of all the copies of such book or pamphlet so printed, introduced, distributed, vended, or exposed for sale, to be recovered by such author or proprietor in any court of this State where the same may be cognizable: *Provided, nevertheless*, That no author, assignee, or proprietor of any such book or pamphlet shall be entitled to the benefit of this act until he shall duly register his name as author, assignee, or proprietor, with the title of such book or pamphlet in the secretary's office of this State, who is hereby required to enter the same on record.

2. *And be it further enacted by the authority aforesaid*, That at the expiration of said term of fourteen years, in the cases herein before mentioned, the exclusive right of printing and disposing of any such book or pamphlet in this State, shall return to the author thereof, if then living, his heirs and assigns, for the term of fourteen years more; and that all and every person or persons who shall re-print, import, vend, utter, or distribute in this State any copies thereof without the consent of such author or proprietor obtained as aforesaid, during said second term of fourteen years, shall be liable to the same penalties, to be recovered in the same manner as is herein before directed.

Passed at Burlington, May 27, 1783.

(*Note.*—This act was repealed 23d session, 3d sitting, 1799.)

Taken from "Acts of the seventh general assembly of the State of New Jersey, at a session begun at Trenton, on the 22d day of October, 1782, and continued by adjournments, being the second sitting." fol. Trenton, printed by Isaac Collins, Printer to the State, 1783. Chapter 21, p. 47.

Also printed in "Acts of the general assembly of the State of New Jersey, from the establishment of the present government to December, 1783. Compiled by Peter Wilson." fol. Trenton, Isaac Collins, 1784, pp. 325–328.

1 NEW HAMPSHIRE.

AN ACT for the encouragement of literature and genius, and for securing to authors the exclusive right and benefit of publishing their literary productions, for twenty years.

1783, Nov. 7.

As the improvement of knowledge, the progress of civilization, and the advancement of human happiness, greatly depend on the efforts of ingenious persons in the various arts and sciences; as the principal encouragement such persons can have to make great and beneficial exertions of this nature, must consist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind: Therefore, to encourage the publication of literary productions, honorary and beneficial to the public,

Be it enacted by the council and house of representatives in general assembly convened, and by the authority of the same, That all books, treatises, and other literary works, having the name or names of the author or authors thereof, printed and published with the same, shall be the sole property of the said author or authors, being subjects of the United States of America, their heirs and assigns, for the full and complete term of twenty years from the date of their first publication.

And it is further enacted by the authority aforesaid, That if any person or persons shall print, re-print, publish, sell, or expose to sale; or shall cause to be printed, re-printed, published, sold, or exposed to sale, any book, treatise, or other literary work, not yet printed, written by any subject of the United States of America whose name as author shall have been thereto prefixed without the consent of the author or authors, or their assigns, during said term, shall forfeit and pay a sum not exceeding one thousand pounds nor less than five pounds, to the use of such author or authors, or their assigns; to be recovered by action of debt in any court of record proper to try the same.

Provided always, That this act shall not be construed to extend in favour, or for the benefit of any author or authors, subject or subjects of any other of the United States, until the State or States of which such authors are subjects shall have passed similar laws for securing to authors the exclusive right and benefit of publishing their literary productions.

(*Note.*—This Act was included in the list of acts repealed, contained in title 30, chap. 230, of "The Revised Statutes, passed December 23, 1842," pp. 475–477.)

In "The Perpetual Laws of the State of New-Hampshire, from July, 1776, to the session in December, 1788, continued into 1789." 8vo. Portsmouth, J. Melcher, 1789, pp. 161–162.

In "The laws of the State of New-Hampshire." 8vo. Portsmouth, J. Melcher, 1792, pp. 277–278.

In "The laws of New-Hampshire." 8vo. Portsmouth, J. Melcher, 1797, pp. 308–309.

In "Constitution and laws of the State of New-Hampshire." 8vo. Dover, S. Bragg, jr., 1805, pp. 294–295.

In "The laws of New-Hampshire." 8vo. Exeter, C. Norris & Co., 1815, pp. 365–366.

In "The laws of New-Hampshire." 8vo. Hopkinton, I. Long, jr., 1830, pp. 174–175.

RHODE ISLAND.

AN ACT for the purpose of securing to authors the exclusive right and benefit of publishing their literary productions, for twenty-one years.

1783, Dec. sess.

Whereas the improvement of knowledge, the progress of civilization, the public weal of the community, and the advancement of human happiness, greatly depend on the efforts of learned and ingenious persons, in the various arts and sciences; as the principal encouragement such persons can have to make great and beneficial exertions of this nature, must exist in the legal security of the fruits of their study and industry to themselves; and as such security is the natural right of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind;

Be it therefore enacted by this general assembly, and by the authority thereof it is enacted, That all books, treatises, and other literary productions, having the name of the author or authors thereof published and printed with the same, shall be the sole property of such author or authors, being citizens of the United States of America, their heirs and assigns, for the full and complete term of twenty-one years from the date of the publication.

And be it further enacted by the authority aforesaid, That if any person or persons shall print, reprint, publish, sell, or expose to sale, or shall cause to be printed, reprinted, published, sold, or exposed to sale, any book, treatise, or other literary production, not yet printed, written by any citizen or citizens of the United States of America, whose name or names, as author or authors, shall be thereto prefixed, without the consent of the author or authors, or their assigns, during the said term of twenty-one years, shall forfeit and pay a sum not exceeding three thousand pounds, lawful money, nor less than five pounds, to the use of such author or authors, or their assigns, to be recovered by action of debt, in any court of record proper to try the same.

Provided nevertheless, and it is further enacted, That this act shall not be construed to extend to the favour or benefit of any author or authors, being a citizen or citizens of any other of the said United States, until the State whereof he or they are citizen or citizens shall pass similar laws for securing to authors the exclusive right and benefit of publishing their literary productions.

685 - 914 O - 63 - 2

Printed in "December, 1783. At the general assembly of the governor and company of the State of Rhode-Island and Providence-Plantations, begun and holden at East-Greenwich on the 4th Monday of December, 1783." fol. [Providence, printed by J. Carter, 1783,] pp. 6–7.

PENNSYLVANIA.

AN ACT for the encouragement and promotion of learning by vesting a right to the copies of printed books in the authors or purchasers of such copies, during the time therein mentioned.

1784, March 15.

SEC. I. Whereas the honorable the Congress of the United States, by their resolution of the second day of May, one thousand seven hundred and eighty-three, have recommended to the several States to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their executors, administrators, and assigns, the copy right of such books for a certain time.

SEC. II. And whereas printers, booksellers, and other persons have heretofore frequently taken the liberty of printing, reprinting, and publishing, or causing to be reprinted and published books and other writings without the consent of the author or proprietors of such books and writings, to their very great detriment and the damage of their families; for preventing, therefore, such practice for the future, and for the encouragement of learned men to compose and write useful books; and in order to give all due force to the recommendations of Congress:

SEC. III. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That from and after the passing of this act, the author of any book or pamphlet not yet printed, being a citizen of the United States of America, and his heirs and assigns, shall have the exclusive right of printing, publishing, and vending the same within this State for the term of fourteen years, to commence from the day of its first printing or publication in this State; and if any person or persons within the term of fourteen years as aforesaid, shall presume to print, publish, vend, or distribute any such book or pamphlet within this State; or to introduce into this State for sale any copies of such book or pamphlet, printed beyond the limits of this State, without the consent of the author or proprietor thereof first lawfully obtained, every such person or persons shall forfeit and pay to the author or proprietor of such book or pamphlet double the value of all the copies of such book or pamphlet so printed, published, vended, distributed or introduced for sale, to be recovered by such author or proprietor in any court of this State where the same may be cognizable; or, if under the value of five pounds, before any two justices of the county where such offense is committed;

SEC. IV. *Provided nevertheless,* That no author, assignee, or pro-

prietor of any such book or pamphlet shall be entitled to the benefit of this act, until he shall duly register his name as author, assignee, or proprietor, with the title of such book or pamphlet, in the prothonotary's office in the city of Philadelphia, who is hereby required to enter the same on record, for which he shall receive five shillings and no more.

SEC. V. *And be it further enacted by the authority aforesaid*, That at the expiration of the aforesaid term of fourteen years in the cases herein before mentioned, the exclusive right of printing and disposing of any such book or pamphlet in this State, shall return to the author thereof, if then living, his heirs and assigns, for the term of fourteen years more; and that all and every person or persons who shall reprint, publish, vend, distribute, or import within this State any copies thereof without the consent of such author or proprietor obtained as aforesaid, during said second term of fourteen years, shall be liable to the same penalties, to be recovered in the same manner as is herein before directed.

SEC. VI. *And provided also*, That no author or proprietor of any book or pamphlet shall be entitled to the benefit of this act unless he shall insert on the back of the title page a copy of the certificate of entry obtained of the prothonotary aforesaid, which the said prothonotary is hereby required to grant without any further reward.

SEC. VII. *Provided nevertheless*, That this act shall not take place until such time as all and every of the States in the Union shall have passed laws similar to the same, in conformity to the recommendation of Congress aforesaid.

Signed by order of the House,

GEORGE GRAY, *Speaker.*

Enacted into a law at Philadelphia, on Monday the fifteenth day of March, in the year of our Lord one thousand seven hundred and eighty-four.

PETER Z. LLOYD,
Clerk of the General Assembly.

In "Laws enacted in the second sitting of the eighth general assembly of the Commonwealth of Pennsylvania, which commenced the 13th day of Jan., 1784." fol. [Philadelphia, T. Bradford, 1784], pp. 306–308, Chapter 125.

SOUTH CAROLINA.

AN ACT for the encouragement of arts and sciences.

1784, March 26. *Be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same*, That from and after the first day of January, one thousand seven hundred and eighty-four, the author of any book or books already printed, who hath not transferred to any other the copy or copies of such book or books, share or shares

thereof, or the bookseller or booksellers, printer or printers, or other person or persons, who hath or have purchased or acquired the copy or copies of any book or books, in order to print or re-print the same, shall have the sole right and liberty of printing such book and books, for the term of fourteen years, to commence from the said first day of January, and no longer; and that the author of any book or books already composed, and not printed and published, or that shall hereafter be composed, and his assignee or assigns, shall have the sole liberty of printing and re-printing such book or books for the said term of fourteen years, to commence from the day of first publishing the same, and no longer; and that if any other bookseller, printer or any other person whatsoever, from and after the first day of January, one thousand seven hundred and eighty-four, within the times granted and limited by this act as aforesaid, shall print, re-print, or import, or cause to be printed, re-printed, or imported, any such book or books, without the consent of the proprietor or proprietors thereof, first had and obtained in writing signed in the presence of two or more credible witnesses; or knowing the same to be so printed or re-printed, without the consent of the proprietors, shall sell, publish, or expose to sale, or cause to [be] sold, published, or exposed to sale, any such book or books, without such consent first had and obtained as aforesaid; then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets, being part of such book or books, to the proprietor or proprietors of the copy thereof, who shall forthwith damask and make waste paper of them; and further, that every such offender or offenders shall forfeit one shilling for every sheet which shall be found in his, her, or their custody, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the State, and the other moiety thereof to any person or persons that shall sue for the same, to be recovered in any court of record of the said State, by action of debt, bill, plaint or information, in which no wager of law, essoign, privilege or protection, or more than one imparlance, shall be allowed.

And whereas many persons may, through ignorance, offend against this act, unless some provision be made whereby the property in every such book, as is intended by this act to be secured to the proprietor or proprietors thereof, may be ascertained, as likewise the consent of such proprietor or proprietors for the printing or re-printing of such book or books may from time to time be known;

Be it therefore further enacted by the authority aforesaid, That nothing in this act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties therein mentioned, for or by reason of the printing or re-printing of any book or books, without such consent as aforesaid, unless the title to the copy of such book or books hereafter published, shall, before

such publication, be entered in a register book provided for that purpose by the secretary of the State, which register book shall at all times be kept at the secretary's office; and unless such consent of the proprietor or proprietors be in like manner entered as aforesaid, for every one of which several entries four shillings and eight pence sterling shall be paid, and no more; which said register book may, at all office hours, be resorted to, and inspected, by any bookseller, printer, or other person, for the purposes before mentioned, without any fee or reward; and the secretary shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding two shillings and four pence. *Provided*, That nothing in this act contained do extend, or shall be construed to extend, to prohibit the importation, vending, or selling of any book in Greek, Latin, or any other foreign language, printed beyond the seas; anything in this act to the contrary notwithstanding.

Be it further enacted by the authority aforesaid, That whenever any such author or proprietor of such book or pamphlet shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labour, time, expences, and risque of sale, the judges of the court of common pleas in this State, on complaint made therof to them in writing, are hereby authorized, empowered, and directed to summon such author, or proprietor, to appear before the next court of common pleas to be holden in the district where such author, or proprietor, dwells, if a resident in this State; if not, in the district where such complainant resides; and the said court are hereby authorized and required to enquire into the justice of the said complaint; and, if the same be found true, to take sufficient recognizance and security of such author, or proprietor, conditioned that he shall, within such reasonable time as the said court shall direct, publish, and offer for sale in this State, a sufficient number of copies of such book or pamphlet, at such reasonable price as the said court shall, on due consideration, affix; and if such author, or proprietor, shall, before said court, neglect or refuse to give such security as aforesaid, the said court are hereby authorized and empowered to give to such complainant a full and ample licence to reprint and publish such book or pamphlet, in such number and for such term as said court shall judge just and reasonable, provided such complainant shall give sufficient security before such court, to afford such re-printed edition at such reasonable price as the said court shall thereto affix.

And be it further enacted by the authority aforesaid, That the inventors of useful machines shall have a like exclusive privilege of making or vending their machines for the like term of fourteen years, under the same privileges and restrictions hereby granted to, and imposed on, the authors of books.

And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, anything in pursuance of this act, the defendants in such case may plead the general issue, and give the special matter in evidence; and if, upon such action, a verdict be given for the defendant, or the plaintiff become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath.

Provided nevertheless, That all actions, suits, bills, indictments, or informations, for any offence that shall be committed against this act, shall be brought, sued, and commenced, within three months next after such offence committed, or else the same shall be void and of none effect.

Provided always, That after the expiration of the said term of fourteen years, the sole right of printing, or disposing of copies, shall return to the authors thereof, if they are then living, for another term of fourteen years.

In the senate-house, the 26th day of March, 1784, and in the eighth year of the independence of the United States of America.

JOHN LLOYD,
President of the Senate.
HUGH RUTLEDGE,
Speaker of the House of Representatives.

In "Acts, Ordinances, and Resolves of the General Assembly of the State of South Carolina, passed in the year 1784." 4to. Charleston, printed by J. Miller, 1784, pp. 49–51.

VIRGINIA.

AN ACT securing to the authors of literary works an exclusive property therein for a limited time.

1785, October.

SECTION I. *Be it enacted by the general assembly*, That the author of any book or pamphlet already printed, being a citizen of any one of the United States, who has not transferred to any other person or persons the copy or copies of any such book or pamphlet, share or shares thereof, his heirs and assigns, or the person or persons who have purchased or acquired such copy or copies, share or shares, in order to print or re-print the same, his heirs and assigns shall have the exclusive right of printing and re-printing such book or pamphlet, within this Commonwealth, for the term of twenty-one years, to be computed from the first publication thereof; and that the author of any book or pamphlet already composed and not printed or published, or that shall hereafter be composed, being a citizen, as aforesaid, his heirs and assigns shall have the exclusive right of printing and re-printing such book or pamphlet, within

this Commonwealth, for the like term of twenty-one years, to be computed from the first publication thereof. And if any person or persons whatsoever, shall print, re-print, or cause to be printed, or re-printed, within this Commonwealth, any such book or pamphlet; or shall import into this Commonwealth, from any foreign Kingdom or State, any printed or re-printed copies of such book or pamphlet; without the consent of the author or proprietor thereof first obtained in writing, signed in presence of two credible witnesses at least; or who, knowing the same to be so printed, re-printed, or imported, without such consent first had and obtained, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy or copies of any such book or pamphlet; the person or persons offending herein, shall forfeit to the party injured, double the value of all the copies so printed, re-printed, or imported; or so published, sold, or exposed to sale; to be recovered at the suit of such party, in any court of record within this Commonwealth.

SEC. II. *Provided nevertheless*, That no person shall be entitled to the benefit of this act, until he shall have registered the title of such book or pamphlet with the clerk of the council, and procured a certificate of such registry from the said clerk; which certificate the clerk is hereby required to give, taking only three shillings for his trouble.

In "Acts passed at a General Assembly of the Commonwealth of Virginia. Begun and held in Richmond, on the 17th day of October, 1785." fol. Richmond, printed by J. Dunlap & James Hayes [1785], pp. 8–9.

In "The Statutes at large; being a collection of all the laws of Virginia, from 1619, by William Waller Hening." Vol. 12, 8vo. Richmond, 1823, pp. 30–31.

NORTH CAROLINA.

At a general assembly, begun and held at Newbern, on the 19th day of November, in the year of our Lord 1785: Being the first session of this assembly. Chapter 26.

AN ACT for securing literary property.

1785, November 19. Whereas nothing is more strictly a man's own than the fruit of his study, and it is proper that men should be encouraged to pursue useful knowledge by the hope of reward; and as the security of literary property must greatly tend to encourage genius, to promote useful discoveries, and to the general extension of arts and commerce:

1. *Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the author of any book, map or chart, not hitherto printed, who is a citizen of the United States, and his heirs and assigns, shall have the sole liberty of printing, publishing, and vending the same within this State for the term of fourteen years, to commence on the day of its publi-

cation; and if any person or persons within the said term of fourteen years, shall presume to print, reprint, or publish any such book, map or chart within this State, or shall import any copy or copies of the same, which have been reprinted beyond the limits of the State, and shall knowingly publish, distribute, or vend the same without the consent of the author or proprietor, in writing, signed in the presence of two credible witnesses, such offender or offenders shall forfeit to the proprietor all the books, maps or charts thus printed, reprinted, imported, published, or offered for sale, together with double the value of the articles so imported; one moiety of which money shall go to the State, the other moiety to him who shall sue for the same for the benefit of the party injured, in any court of record within this State. *Provided nevertheless*, That no author or proprietor of any such book, map or chart, shall be entitled to the benefit of this act, unless he shall, before publication, duly enter his name as author or proprietor, together with the title of the book, map or chart to be published, in the office of the secretary of the State, who is hereby directed to enter the same on record; nor unless he shall, before publication, have delivered to the secretary of the State one copy of such book, map or chart for the use of the executive of the State; of which entry and for which copy the secretary is hereby required to give him a certificate and receipt.

II. *And be it further enacted*, If the author or publisher of any book as aforesaid, shall set an unreasonable price on the same, regard being had to the probable labour, expence, and risk of such author and publisher, the judges of the supreme court, on complaint thereof made in writing by two or more persons, are hereby authorized and empowered to summons such author or publisher to appear before next supreme court, to be holden in that county or district where such author or publisher usually resides; and said court shall enquire into the justice of the complaint, and if the same, on full examination, shall appear to be well founded, they shall correct or settle the price; and if said author or publisher after such price is fixed by the court, shall sell any book at a higher rate, he shall for every offence forfeit twenty Spanish milled dollars, one moiety to the State and the other moiety to the person who shall sue for the same.

III. *And be it further enacted*, That every author who is a citizen in any of the United States, and whose work shall originally be published in any of the United States where laws similar to this are or may be passed for the security of literary property, or his assigns, being also citizens of the United States, shall be entitled to the benefit of this act and none others. *Provided always*, That nothing contained in this act shall be construed to prevent any person from reprinting any book, map or chart that has been published; or from importing, reprinting, or publishing any book, map or chart that shall be originally pub-

lished in any other country; nor shall anything in this act be construed to encourage or protect any authors or publishers of books, maps or charts which may be dangerous to civil liberty, or to the peace or morals of society.

In "Laws of the State of North-Carolina. Published, according to Act of Assembly, by James Iredell." fol. Edenton, Hodge & Wills, 1791, pp. 563–564.

GEORGIA.

AN ACT for the encouragement of literature and genius.

1786, Feb. 3. Whereas the principles of natural equity and justice, require that every author should be secured in receiving the profits that may arise from the sale of his works, and such security may encourage men of learning and genius to publish their writings, which may do honor to their country, and service to mankind:

Be it enacted by the representatives of the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That the author of any book or pamphlet not yet printed, or of any map or chart, being an inhabitant or resident in these United States, and his heirs and assigns, shall have the sole liberty of printing, publishing, and vending the same, within this State, for the term of fourteen years, to commence from the day of its first publication in this State: And if any person or persons, within said term of fourteen years, shall presume to print or re-print any such book, pamphlet, map or chart, within this State, or to import or introduce into this State for sale, any copies thereof, re-printed beyond the limits of this State, or shall knowingly publish, vend, and utter or distribute the same, without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall forfeit and pay to the proprietor of such book, pamphlet, map or chart, double the value of all the copies thereof so printed, imported, distributed, vended, or exposed for sale, to be recovered by such proprietor in due course of law: *Provided nevertheless*, That no author, assignee, or proprietor, of any such book, pamphlet, map or chart shall be entitled to take the benefit of this statute, until he shall duly register his name as author, assignee, or proprietor, with the title thereof, in the office of the Secretary of the State, who is hereby empowered and directed to enter the same on record.

II. *And be it further enacted by the authority aforesaid*, That at the expiration of the said term of fourteen years in the cases above mentioned, the sole right of printing and disposing of any such book, pamphlet, map or chart in this State, shall return to the author thereof, if then living, and his heirs and assigns, for the term of fourteen years more, to commence at the end of the said first term: And that all

and every person or persons who shall re-print, import, vend, utter, or distribute in this State, any copies thereof without the consent of such proprietor obtained as aforesaid during the said second term of fourteen years shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

III. *And whereas* it is equally necessary for the encouragement of learning, that the inhabitants of this State be furnished with useful books, &c., at reasonable prices: *Be it further enacted*, That whenever any such author or proprietor of such book, pamphlet, map or chart shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labor, time, expense, and risk of sale, the chief justice of the State, on complaint thereof made to him in writing, is hereby authorized and empowered to summon such author or proprietor to appear before the next superior court to be holden in the county where such author or proprietor dwells, if a resident of this State, if not, in the county where such complainant dwells, and said court is hereby authorized and empowered to enquire into the justice of such complaint, and if the same be found true to take sufficient security of such author or proprietor conditioned that he shall, within such reasonable time as the said court shall direct, publish and offer for sale, in this State, a sufficient number of copies of such book, pamphlet, map or chart, at such reasonable price as said court shall, on due consideration affix; and if such author or proprietor shall, before said court, neglect or refuse to give such security as aforesaid, the said court is hereby authorized and empowered to give to such complainant a full and ample licence to re-print and publish such book, pamphlet, map or chart in such numbers and for such term as said court shall judge just and reasonable: *Provided*, said complainant shall give sufficient security before said court to afford said re-printed edition at such reasonable price as said court shall thereto affix.

IV. *And be it further enacted*, That any person or persons who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof first had and obtained, if such author or proprietor be living and resident in, or inhabitant of this or any other of the United States, shall be liable to suffer and pay to the said author or proprietor his just damage for such injury, to be recovered by action brought on this statute in any court of law in this State proper to try the same: *Provided always*, That nothing in this act shall extend to affect, prejudice, or confirm the rights which any person may have to the printing or publishing of any book, pamphlet, map or chart at common law, in cases not mentioned in this act, or to screen from legal punishment any person or persons who may be guilty of printing or publishing any book, pamphlet, or paper that

may be prophane, treasonable, defamatory, or injurious to government, morals, or religion: *Provided also*, That this act shall not extend, or be construed to extend, in favor or for the benefit of any author or person residing in or inhabitant of any other of the United States until the State or States in which such person or persons reside or dwell, shall have passed similar laws in favor of the authors of new publications, and their heirs and assigns.

WILLIAM GIBBONS, *Speaker.*

AUGUSTA, *February 3, 1786.*

In "A Digest of the Laws of the State of Georgia. From its first establishment as a British province down to the year 1798, inclusive. By Robert and George Watkins." 4to. Philadelphia, R. Aitken, 1800, pp. 323–325.

In "Digest of the Laws of Georgia, from 1755 to 1800. By Horatio Marbury & William H. Crawford." 4to. Savannah, Seymour, Woolhopter & Stebbins, 1802, pp. 342–343.

NEW YORK.

AN ACT to promote literature.

1786, April 29. Whereas it is agreeable to the principles of natural equity and justice that every author should be secured in receiving the profits that may arise from the sale of his or her works; and such security may encourage persons of learning and genius to publish their writings, which may do honour to their country and service to mankind:

I. *Be it enacted by the people of the State of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That the author of any book or pamphlet, being an inhabitant or resident in these United States, and his or her heirs and assigns, shall have the sole liberty of printing, publishing, and vending the same within this State, for the term of fourteen years, to commence from the day of its first publication in this State; and if any person or persons within the said term of fourteen years as aforesaid, shall presume to print or re-print any such book or pamphlet within this State, or to import or introduce into this State for sale, any copies of such book or pamphlet, reprinted beyond the limits of this State, or shall knowingly publish, vend, utter, or distribute the same, without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall forfeit and pay to the proprietor of such book or pamphlet, double the value of all the copies of such book or pamphlet so re-printed, imported, distributed, vended, or exposed to sale, to be recovered by such proprietor in any court of law in this State, proper to try the same. *Provided nevertheless*, that no author, assignee, or proprietor of such book or pamphlet, shall be entitled to take the benefit of this act, until he or she shall duly register his or her name, as author, assignee, or pro-

prietor, with the title of such book or pamphlet in the office of the Secretary of this State, who is hereby empowered and directed to enter the same on record.

II. *And be it further enacted by the authority aforesaid*, That at the expiration of the said term of fourteen years, in the cases above mentioned, the sole right of printing and disposing of any such book or pamphlet in this State, shall return to the author thereof, if then living, and his or her heirs or assigns, for the term of fourteen years more, to commence at the end of the said first term, and that all and every person or persons who shall re-print, import, vend, utter, or distribute in this State any copies thereof, without the consent of such proprietor obtained as aforesaid, during the said second term of fourteen years, shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

And whereas it is equally necessary for the encouragement of learning, that the inhabitants of this State be furnished with useful books at reasonable prices:

III. *Be it further enacted by the authority aforesaid*, That whenever any such author or proprietor of such book or pamphlet shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his or her labour, time, expences, and risque of sale, any one of the judges of the supreme court of judicature of this State, on complaint made thereof to him in writing, is hereby authorized and impowered to summon such author or proprietor to appear at the next supreme court of judicature, and the said court are hereby authorized and impowered to enquire into the justice of the said complaint, and if the same be found true, to take sufficient recognizance and security of such author or proprietor, conditioned that he or she shall, within such reasonable time as the court shall direct, publish and offer for sale in this State, a sufficient number of copies of such book or pamphlet, at snch reasonable price as the said court shall on due consideration affix, and if such author or proprietor shall neglect or refuse to give such security as aforesaid, the said court are hereby authorized and empowered to give such complainant a full and ample licence to re-print and publish such book or pamphlet in such numbers and for such term as the said court shall judge just and reasonable: *Provided*, Such complainant shall give sufficient security before the said court to afford such re-printed edition at such reasonable price as the said court shall thereto affix.

IV. *And be it further enacted by the authority aforesaid*, That any person or persons who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof first had and obtained, if such author or proprietor be living and resident in, or inhabitant of these United States, shall be

liable to pay to the said author or proprietor his or her damages for such injury, to be recovered with costs, by action brought on this act in any court of record. *Provided always*, that nothing in this act shall extend to effect, prejudice, or confirm the rights which any person may have to the printing or publishing of any book, or pamphlet, at common law, in cases not mentioned in this act; or to authorize any person or persons to print or publish any book, pamphlet, or paper that may be profane, treasonable, defamatory, or injurious to government, morals, or religion. *Provided also*, that this act shall not extend or be construed to extend in favour or for the benefit of any author or person residing in, or inhabitant of any other of the United States until the State in which such person resides or dwells shall have passed similar laws in favor of the authors of such new publications and their heirs and assigns.

V. *And be it further enacted by the authority aforesaid*, That the trustees of the Reformed Protestant Dutch Church, of Flat Bush, in the county of Kings, shall be, and they are hereby authorized to grant, bargain, and sell, in fee simple, such part or parts of their real estate within the said county, to such person or persons, and for such price or prices as they may think proper, for the express purpose of erecting an academy in the said county. *Provided*, That the quantity which the said trustees shall grant and convey by virtue of this act shall not exceed six acres.

In "Laws of the State of New-York, passed by the legislature of said State at their ninth session." fol. New York, printed by Samuel and John Loudon, 1786, pp. 99–100.

Also in "Laws of the State of New York, comprising the constitution and the acts of the legislature since the Revolution, from the first to the twelfth session, inclusive. [By Samuel Jones and Richard Varick.]" v. 1. fol. New York, H. Gaine, 1789, pp. 320–322.

Also to be found in "Laws of the State of New-York, comprising the constitution and the acts of the legislature since the Revolution, from the first to the twentieth, inclusive. [By Thomas Greenleaf.]" 2d. ed., v. 1. 8°. New-York, T. Greenleaf, 1798, pp. 274–275.

DELAWARE.

No copyright law seems to have been enacted by the State of Delaware.

III.

Provision of the Constitution as to the Copyright Legislation by Congress.

CONSTITUTION OF THE UNITED STATES, SEPTEMBER 17, 1787.

Article I, Sec. 8. The Congress shall have power:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

IV.

PUBLIC ACTS RELATING TO COPYRIGHT PASSED BY THE CONGRESS OF THE UNITED STATES, 1790 TO DATE.

ORIGINAL COPYRIGHT ACT. (FIRST CONGRESS, SECOND SESSION, CHAPTER 15.)

AN ACT for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.

1790, May 31.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book or books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

SEC. 2. *And be it further enacted*, That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times

limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign Kingdom or State, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

SEC. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same). "District of to wit: *Be it remembered*, that on the day of in the year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, intituled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.' C. D. clerk of the district of ." For which the said clerk shall be entitled to receive sixty cents from the

said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

SEC. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

SEC. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of or resident in these United States) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognizance thereof.

SEC. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

Approved, May 31, 1790.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government, in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 1, 8vo. Boston, 1845, pp. 124–126.

SEVENTH CONGRESS, FIRST SESSION, CHAPTER 36.

AN ACT supplementary to an act, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the time therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.

1802, April 29. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every person who shall, from and after the first day of January next, claim to be the author or proprietor of any maps, charts, book or books, and shall thereafter seek to obtain a copyright of the same agreeable to the rules prescribed by law, before he shall be entitled to the benefit of the act, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to

the authors and proprietors of such copies, during the time therein mentioned," he shall, in addition to the requisites enjoined in the third and fourth sections of said act, if a book or books, give information by causing the copy of the record, which, by said act he is required to publish in one or more of the newspapers, to be inserted at full length in the title-page or in the page immediately following the title of every such book or books; and if a map or chart, shall cause the following words to be impressed on the face thereof, viz: "*Entered according to act of Congress, the day of 18* (here insert the date when the same was deposited in the office) *by A. B. of the State of* (here insert the author's or proprietor's name and the State in which he resides).

SEC. 2. *And be it further enacted*, That from and after the first day of January next, every person, being a citizen of the United States, or resident within the same, who shall invent and design, engrave, etch or work, or from his own works and inventions, shall cause to be designed and engraved, etched or worked, any historical or other print or prints, shall have the sole right and liberty of printing, re-printing, publishing and vending such print or prints, for the term of fourteen years from the recording the title thereof in the clerk's office, as prescribed by law for maps, charts, book or books: *Provided*, he shall perform all the requisites in relation to such print or prints, as are directed in relation to maps, charts, book or books, in the third and fourth sections of the act to which this is a supplement, and shall moreover cause the same entry to be truly engraved on such plate, with the name of the proprietor, and printed on every such print or prints as is herein before required to be made on maps or charts.

SEC. 3. *And be it further enacted*, That if any print-seller or other person whatsoever, from and after the said first day of January next, within the time limited by this act, shall engrave, etch or work, as aforesaid, or in any other manner copy or sell, or cause to be engraved, etched, copied or sold, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, re-print, or import for sale, or cause to be printed, re-printed, or imported for sale, any such print or prints, or any parts thereof, without the consent of the proprietor or proprietors thereof, first had and obtained, in writing, signed by him or them respectively, in the presence of two or more credible witnesses; or knowing the same to be so printed or re-printed, without the consent of the proprietor or proprietors, shall publish, sell, or expose to sale or otherwise, or in any other manner dispose of any such print or prints, without such consent first had and obtained, as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such print or prints are or shall be copied, and all and every sheet or sheets (being part of or whereon such print

685 - 914 O - 63 - 3

or prints are or shall be copied or printed) to the proprietor or proprietors of such original print or prints, who shall forthwith destroy the same; and further, that every such offender or offenders shall forfeit one dollar for every print which shall be found in his, her, or their custody; either printed, published, or exposed to sale, or otherwise disposed of, contrary to the true intent and meaning of this act, the one moiety thereof to any person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered in any court having competent jurisdiction thereof.

SEC. 4. *And be it further enacted*, That if any person or persons from and after the passing of this act, shall print or publish any map, chart, book or books, print or prints, who have not legally acquired the copyright of such map, chart, book or books, print or prints, and shall, contrary to the true intent and meaning of this act, insert therein or impress thereon that the same has been entered according to act of Congress, or words purporting the same, or purporting that the copyright thereof has been acquired; every person so offending shall forfeit and pay the sum of one hundred dollars, one moiety thereof to the person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, having cognizance thereof. *Provided always*, That in every case for forfeitures hereinbefore given, the action be commenced within two years from the time the cause of action may have arisen.

Approved, April 29, 1802.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 2, 8vo. Boston, 1845, pp. 171–172.

FIFTEENTH CONGRESS, SECOND SESSION, CHAPTER 19.

AN ACT to extend the jurisdiction of the circuit courts of the United States to cases arising under the law relating to patents.

1819, February 15. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the circuit courts of the United States shall have original cognisance, as well in equity as at law, of all actions, suits, controversies, and cases, arising under any law of the United States, granting or confirming to authors or inventors the exclusive right to their respective writings, inventions, and discoveries: and upon any bill in equity, filed by any party aggrieved in any such cases, shall have authority to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any authors or inventors, secured to them by any laws of the United States, on such terms and conditions as the said courts may deem fit and reasonable: *Provided, however*, That from all judgments and

decrees of any circuit courts, rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner, and under the same circumstances, as is now provided by law in other judgments and decrees of such circuit courts.

Approved, February 15, 1819.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 3, 8vo. Boston, 1846, pp. 481–482.

TWENTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 16.

AN ACT to amend the several acts respecting copyrights.

1831, February 3 (Revision).

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passing of this act, any person or persons, being a citizen or citizens of the United States, or resident therein, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed and published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave, work, or cause to be engraved, etched, or worked from his own design, any print or engraving, and the executors, administrators, or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing, and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 2. *And be it further enacted*, That if, at the expiration of the aforesaid term of years, such author, inventor, designer, engraver, or any of them, where the work had been originally composed and made by more than one person, be still living, and a citizen or citizens of the United States, or resident therein, or being dead, shall have left a widow, or child, or children, either or all then living, the same exclusive right shall be continued to such author, designer, or engraver, or, if dead, then to such widow and child, or children, for the further term of fourteen years: *Provided*, That the title of the work so secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copyrights, be complied with in respect to such renewed copyright, and that within six months before the expiration of the first term.

SEC. 3. *And be it further enacted*, That in all cases of renewal of copyright under this act, such author or proprietor shall, within two months from the date of said renewal, cause a copy of the record

thereof to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a printed copy of the title of such book, or books, map, chart, musical composition, print, cut, or engraving, in the clerk's office of the district court of the district wherein the author or proprietor shall reside, and the clerk of such court is hereby directed and required to record the same thereof forthwith, in a book to be kept for that purpose, in the words following (giving a copy of the title, under the seal of the court, to the said author or proprietor, whenever he shall require the same:) "District of to wit: Be it remembered, that on the day of anno Domini, A. B., of the said district, hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be,) the title of which is in the words following, to wit: (here insert the title;) the right whereof he claims as author (or proprietor as the case may be;) in conformity with an act of Congress, entitled 'An act to amend the several acts respecting copyrights.' C. D., clerk of the district." For which record, the clerk shall be entitled to receive, from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such person or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut, or engraving, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver or cause to be delivered a copy of the same to the clerk of said district. And it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copyright, including the titles so recorded, and the dates of record, and also all the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office.

SEC. 5. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall give information of copyright being secured, by causing to be inserted, in the several copies of each and every edition published during the term secured on the title-page, or the page immediately following, if it be a book, or, if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, or engravings, upon the title or frontispiece thereof, the following words, viz: "Entered according to act of Congress, in the year , by A. B., in the clerk's office of the district court of ," (as the case may be.)

SEC. 6. *And be it further enacted*, That if any other person or persons, from and after the recording the title of any book or books,

according to this act, shall, within the term or terms herein limited, print, publish, or import, or cause to be printed, published, or imported, any copy of such book, or books, without the consent of the person legally entitled to the copyright thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses, or shall, knowing the same to be so printed or imported, publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such book without such consent in writing; then such offender shall forfeit every copy of such book to the person legally, at the time, entitled to the copyright thereof; and shall also forfeit and pay fifty cents for every such sheet which may be found in his possession, either printed, or printing, published, imported, or exposed to sale, contrary to the intent of this act, the one moiety thereof to such legal owner of the copyright as aforesaid, and the other to the use of the United States, to be recovered by action of debt in any court having competent jurisdiction thereof.

SEC. 7. *And be it further enacted*, That, if any person or persons, after the recording the title of any print, cut, or engraving, map, chart or musical composition, according to the provisions of this act, shall, within the term or terms limited by this act, engrave, etch, or work, sell, or copy, or cause to be engraved, etched, worked, or sold, or copied, either on the whole, or by varying, adding to, or diminishing the main design with intent to evade the law; or shall print or import for sale, or cause to be printed, or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copyright thereof, first obtained in writing, signed in the presence of two credible witnesses; or, knowing the same to be so printed or imported without such consent, shall publish, sell, or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut, or print, without such consent, as aforesaid; then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, or print, shall be copied, and also all and every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof; and shall further forfeit one dollar for every sheet of such map, chart, musical composition, print, cut, or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the proprietor or proprietors, and the other moiety to the use of the United States, to be recovered in any court having competent jurisdiction thereof.

SEC. 8. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, printing, or publishing, of any map, chart, book, musical composition, print or

engraving, written, composed, or made, by any person not being a citizen of the United States, nor resident within the jurisdiction thereof.

SEC. 9. *And be it further enacted*, That any person or persons who shall print or publish any manuscript whatever without the consent of the author or legal proprietor first obtained as aforesaid, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to suffer and pay to the author or proprietor, all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognisance thereof; and the several courts of the United States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions, in like manner, according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

SEC. 10. *And be it further enacted*, That, if any person or persons shall be sued or prosecuted, for any matter, act, or thing done under or by virtue of this act, he or they may plead the general issue and give the special matter in evidence.

SEC. 11. *And be it further enacted*, That, if any person or persons, from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut, or engraving, not having legally acquired the copyright thereof, and shall insert or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall forfeit and pay one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action of debt, in any court of record having cognisance thereof.

SEC. 12. *And be it further enacted*, That, in all recoveries under this act, either for damages, forfeitures, or penalties, full costs shall be allowed thereon, any thing in any former act to the contrary notwithstanding.

SEC. 13. *And be it further enacted*, That no action or prosecution shall be maintained, in any case of forfeiture or penalty under this act, unless the same shall have been commenced within two years after the cause of action shall have arisen.

SEC. 14. *And be it further enacted*, That the "Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," passed May thirty-first, one thousand seven hundred and ninety, and the act supplementary thereto, passed April twenty-ninth, one thousand eight hundred and two, shall be, and the same are hereby, repealed: saving, always, such rights as may have been obtained in conformity to their provisions.

SEC. 15. *And be it further enacted*, That all and several the provi-

sions of this act, intended for the protection and security of copyrights, and providing remedies, penalties, and forfeitures, in case of violation thereof, shall be held and construed to extend to the benefit of the legal proprietor or proprietors of each and every copyright heretofore obtained, according to law, during the term thereof, in the same manner as if such copyright had been entered and secured according to the directions of this act.

SEC. 16. *And be it further enacted*, That, whenever a copyright has been heretofore obtained by an author or authors, inventor, designer, or engraver, of any book, map, chart, print, cut, or engraving, or by a proprietor of the same: if such author or authors, or either of them, such inventor, designer, or engraver, be living at the passage of this act, then such author or authors, or the survivor of them, such inventor, engraver, or designer, shall continue to have the same exclusive right to his book, chart, map, print, cut, or engraving, with the benefit of each and all the provisions of this act, for the security thereof, for such additional period of time as will, together with the time which shall have elapsed from the first entry of such copyright, make up the term of twenty-eight years, with the same right to his widow, child, or children, to renew the copyright, at the expiration thereof, as is above provided in relation to copyrights originally secured under this act. And if such author or authors, inventor, designer, or engraver, shall not be living at the passage of this act, then, his or their heirs, executors and administrators, shall be entitled to the like exclusive enjoyment of said copyright, with the benefit of each and all the provisions of this act for the security thereof, for the period of twenty-eight years from the first entry of said copyright, with the like privilege of renewal to the widow, child, or children, of author or authors, designer, inventor, or engraver, as is provided in relation to copyrights originally secured under this act: *Provided*, That this act shall not extend to any copyright heretofore secured, the term of which has already expired.

Approved, February 3, 1831.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789 to March 3, 1845. Edited by Richard Peters." Vol. 4, 8vo. Boston, 1846, pp. 436–439.

TWENTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 157.

AN ACT supplementary to the act to amend the several acts respecting copyrights.

1834, June 30. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all deeds or instruments in writing for the transfer or assignment of copyrights, being proved or acknowledged in such manner as deeds for the conveyance of land are required by law to be proved or acknowledged in the same State or district, shall and may

be recorded in the office where the original copyright is deposited and recorded; and every such deed or instrument that shall in any time hereafter be made and executed, and which shall not be proved or acknowledged and recorded as aforesaid, within sixty days after its execution, shall be judged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without notice.

SEC. 2. *And be it further enacted*, That the clerk of the district court shall be entitled to such fees for performing the services herein authorized and required, as he is entitled to for performing like services under existing laws of the United States.

Approved, June 30, 1834.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 4, 8vo. Boston, 1846, p. 728.

TWENTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 178, SECTION 10.

AN ACT to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

1846, August 10.

SEC. 10. *And be it further enacted*, That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the librarian of the Smithsonian Institution, and one copy to the Librarian of Congress Library, for the use of said libraries.

Approved, August 10, 1846.

In "The Statutes at Large and Treaties of the United States of America, from December 1, 1845, to March 3, 1851. Edited by George Minot." Vol. 9, 8vo. Boston, 1851, p. 106.

THIRTY-THIRD CONGRESS, SECOND SESSION, CHAPTER 201, SECTION 5.

AN ACT making appropriations for the service of the Post-Office Department during the fiscal year, ending the thirtieth of June, one thousand eight hundred and fifty-six.

1855, March 3.

SEC. 5. *And be it further enacted*, That all books, maps, charts, or other publications, entered for copyright, and which, under the act of August tenth, eighteen hundred and forty-six, are required to be deposited in the Library of Congress, and in the Smithsonian Institution, may be sent through the mails free of postage, under such regulations as the Postmaster-General may prescribe.

Approved, March 3, 1855.

In "The Statutes at Large and Treaties of the United States of America, from December 1, 1851, to March 3, 1855. Edited by George Minot." Vol. 10, 8vo. Boston, 1855, p. 685.

THIRTY-FOURTH CONGRESS, FIRST SESSION, CHAPTER 169. 1

AN ACT supplemental to an act entitled "An act to amend the several acts respecting copyright," approved February third, eighteen hundred and thirty-one.

1856, August 18. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any copyright hereafter granted under the laws of the United States to the author or proprietor of any dramatic composition, designed or suited for public representation, shall be deemed and taken to confer upon the said author or proprietor, his heirs or assigns, along with the sole right to print and publish the said composition, the sole right also to act, perform, or represent the same, or cause it to be acted, performed, or represented, on any stage or public place during the whole period for which the copyright is obtained; and any manager, actor, or other person acting, performing, or representing the said composition, without or against the consent of the said author or proprietor, his heirs or assigns, shall be liable to damages to be sued for and recovered by action on the case or other equivalent remedy, with costs of suit in any court of the United States, such damages in all cases to be rated and assessed at such sum not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court having cognizance thereof shall appear to be just: *Provided, nevertheless*, That nothing herein enacted shall impair any right to act, perform, or represent a dramatic composition as aforesaid, which right may have been acquired, or shall in future be acquired by any manager, actor, or other person previous to the securing of the copyright for the said composition, or to restrict in any way the right of such author to process in equity in any court of the United States for the better and further enforcement of his rights.

Approved, August 18, 1856.

In "The Statutes at Large and Treaties of the United States of America, from December 3, 1855, to March 3, 1859. Edited by George Minot and George P. Sanger." Vol. 11, 8vo. Boston, 1859, pp. 138–139.

THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 22, SECTION 8.

AN ACT providing for keeping and distributing all public documents.

1859, February 5. SECTION 8. *And be it further enacted*, That all books, maps, charts, and other publications of every nature whatever heretofore deposited in the Department of State according to the laws regulating copyrights, together with all the records of the Department of State in regard to the same, shall be removed to, and be under the control of the Department of the Interior, which is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright, in the same manner and to the same extent that the Department of State is now charged with the same; and hereafter all such publications of every nature what-

ever shall, under present laws and regulations, be left with, and kept by him.*

Approved, February 5, 1859.

In "The Statutes at Large and Treaties of the United States of America, from December 3, 1855, to March 3, 1859. Edited by George Minot and George P. Sanger." Vol. 11, 8vo. Boston, 1859, pp. 380–381.

THIRTY-SIXTH CONGRESS, SECOND SESSION, CHAPTER 37.

AN ACT to extend the right of appeal from decisions of circuit courts to the Supreme Court of the United States.

1861, February 18. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from all judgments and decrees of any circuit court rendered in any action, suit, controversy, or case, at law or in equity, arising under any law of the United States granting or confirming to authors the exclusive right to their respective writings, or to inventors the exclusive right to their inventions or discoveries, a writ of error or appeal, as the case may require, shall lie, at the instance of either party, to the Supreme Court of the United States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of such circuit courts, without regard to the sum or value in controversy in the action.

Approved, February 18, 1861.

In "The Statutes at Large, Treaties, and Proclamations of the United States of America, from December 5, 1859, to March 3, 1863. Edited by George P. Sanger." Vol. 12, 8vo. Boston, 1863, pp. 130–131.

THIRTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 126.

AN ACT supplemental to an act entitled "An Act to amend the several acts respecting copyright," approved February third, eighteen hundred and thirty-one, and to the acts in addition thereto and amendment thereof.

1865, March 3. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of said act shall extend to and include photographs and the negatives thereof which shall hereafter be made, and shall enure to the benefit of the authors of the same in the same manner, and to the same extent, and upon the same conditions as to the authors of prints and engravings.

SEC. 2. *And be it further enacted*, That a printed copy of every book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall be secured under said acts, shall be transmitted free of postage or other expense by the author or proprietor thereof, within one month of the date of publication, to the Library of Congress at Washington for the use of said library; and the Librarian of Congress is hereby required to give a receipt in writing for the same.

*[i. e., the Secretary of the Interior.]

SEC. 3. *And be it further enacted*, That if any proprietor of a book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall be secured as aforesaid, shall neglect to deliver the same pursuant to the requirement of this act, it shall be the duty of the Librarian of Congress to make demand thereof in writing, at any time within twelve months after the publication thereof; and in default of the delivery thereof within one month after the demand shall have been made, the right of exclusive publication secured to such proprietor under the acts of Congress respecting copyright shall be forfeited.

SEC. 4. *And be it further enacted*, That in the construction of this act the word "book" shall be construed to mean every volume and part of a volume, together with all maps, prints or other engravings belonging thereto; and shall include a copy of any second or subsequent edition which shall be published with any additions, whether the first edition of such book shall have been published before or after the passing of this act: *Provided, however*, That it shall not be requisite to deliver to the said library any copy of the second or any subsequent edition of any book, unless the same shall contain additions as aforesaid, nor of any book which is not the subject of copyright.

Approved, March 3, 1865.

In "The Statutes at Large, Treaties, and Proclamations of the United States of America, from December, 1863, to December, 1865. Edited by George P. Sanger." Vol. 13, 8vo. Boston, 1866, pp. 540–541.

THIRTY-NINTH CONGRESS, SECOND SESSION, CHAPTER 43.

AN ACT amendatory of the several acts respecting copyrights.

1867, February 18. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every proprietor of a book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall have been secured, who shall fail to deliver to the Library of Congress at Washington, a printed copy of every such book, pamphlet, map, chart, musical composition, print, engraving, or photograph, within one month after publication thereof, shall, for every such default, be subject to a penalty of twenty-five dollars, to be collected by the Librarian of Congress, in the name of the United States, in any district or circuit court of the United States within the jurisdiction of which the delinquent may reside or be found.

SEC. 2. *And be it further enacted*, That every such proprietor may transmit any book, pamp[h]let, map, chart, musical composition, print, engraving, or photograph, for which he may have secured a copyright, to the Librarian of Congress, by mail free of postage, provided the words "copyright matter" be plainly written or printed on the out-

side of the package containing the same; and it shall be the duty of the several postmasters and deputy postmasters, to give a receipt for the same, if requested, and when such package shall be delivered to them, or any of them, to see that the same is safely forwarded to its destination by mail, without cost or charge to said proprietor.

Approved, February 18, 1867.

In "The Statutes at Large of the United States of America, from December, 1865, to March, 1867. Edited by George P. Sanger." Vol. 14, 8vo. Boston, 1868, p. 395.

FORTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 230, SECTIONS 85–111.

AN ACT to revise, consolidate, and amend the statutes relating to patents and copyrights.

1870, July 8.

SEC. 85. *And be it further enacted*, That all records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights. The Librarian shall cause a seal to be provided for said office, with such device as the Joint Committee on the Library may approve, with which all records or papers issued from said office, and to be used in evidence, shall be authenticated. He shall also give an additional bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office. He shall also make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year. And the Librarian of Congress shall receive a yearly compensation of four thousand dollars, to commence when this act shall take effect.

SEC. 86. *And be it further enacted*, That any citizen of the United States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and his executors, administrators, or assigns, shall, upon complying with the provisions of this act, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others;

and authors may reserve the right to dramatize or to translate their own works.

SEC. 87. *And be it further enacted*, That copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 88. *And be it further enacted*, That the author, inventor or designer, if he be still living, and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

SEC. 89. *And be it further enacted*, That copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

SEC. 90. *And be it further enacted*, That no person shall be entitled to a copyright unless he shall, before publication, deposit in the mail a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which he desires a copyright, addressed to the Librarian of Congress, and, within ten days from the publication thereof, deposit in the mail two copies of such copyright book or other article, or in case of a painting, drawing, statue, statuary, model or design for a work of the fine arts, a photograph of the same, to be addressed to said Librarian of Congress, as hereinafter to be provided.

SEC. 91. *And be it further enacted*, That the Librarian of Congress shall record the name of such copyright book, or other article, forthwith in a book to be kept for that purpose, in the words following: "Library of Congress, to wit. Be it remembered that on the day of , anno Domini , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit; (here insert the title or description,) the right whereof he claims as author, originator, (or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to said proprietor whenever he shall require it.

SEC. 92. *And be it further enacted*, That for recording the title or description of any copyright book or other article, the Librarian of Congress shall receive, from the person claiming the same, fifty cents; and for every copy under seal actually given to such person or his assigns, fifty cents; and for recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words; and for every copy thereof, ten cents for every one hundred words, which moneys, so received, shall be paid into the Treasury of the United States.

SEC. 93. *And be it further enacted*, That the proprietor of every copyright book or other article shall mail to the Librarian of Congress at Washington, within ten days after its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made.

SEC. 94. *And be it further enacted*, That in default of such deposit in the post-office, said proprietor shall be liable to a penalty of twenty-five dollars, to be collected by the Librarian of Congress, in the name of the United States, in an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

SEC. 95. *And be it further enacted*, That any such copyright book or other article may be sent to the Librarian of Congress by mail, free of postage, provided the words "Copyright matter" are plainly written or printed on the outside of the package containing the same.

SEC. 96. *And be it further enacted*, That the postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination, without cost to the proprietor.

SEC. 97. *And be it further enacted*, That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, viz.: "Entered according to act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington."

SEC. 98. *And be it further enacted*, That if any person shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photo-

graph, or other articles herein named, for which he has not obtained a copyright, every person so offending shall forfeit and pay one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action in any court of competent jurisdiction.

SEC. 99. *And be it further enacted*, That if any person, after the recording of the title of any book as herein provided, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, such offender shall forfeit every copy thereof to said proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

SEC. 100. *And be it further enacted*, That if any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as herein provided, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the said proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or which have by him been sold or exposed for sale; one moiety thereof to the proprietor and the other to the use of the United States, to be recovered by action in any court of competent jurisdiction.

SEC. 101. *And be it further enacted*, That any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, to be recovered by action in any court of competent jurisdiction; said damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

SEC. 102. *And be it further enacted*, That any person who shall print

or publish any manuscript whatever, without the consent of the author or proprietor first obtained, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to said author or proprietor for all damages occasioned by such injury, to be recovered by action on the case in any court of competent jurisdiction.

SEC. 103. *And be it further enacted*, That nothing herein contained shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

SEC. 104. *And be it further enacted*, That no action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

SEC. 105. *And be it further enacted*, That in all actions arising under the laws respecting copyrights the defendent may plead the general issue, and give the special matter in evidence.

SEC. 106. *And be it further enacted*, That all actions, suits, controversies, and cases arising under the copyright laws of the United States shall be originally cognizable, as well in equity as at law, whether civil or penal in their nature, by the circuit courts of the United States, or any district court having the jurisdiction of a circuit court, or in the supreme court of the District of Columbia, or any Territory. And the court shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

SEC. 107. *And be it further enacted*, That a writ of error or appeal to the Supreme Court of the United States shall lie from all judgments and decrees of any court, in any action, suit, controversy, or case touching copyrights in the same manner and under the same circumstances as in other judgments and decrees of such courts, without regard to the sum or value in controversy.

SEC. 108. *And be it further enacted*, That in all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon.

SEC. 109. *And be it further enacted*, That all books, maps, charts, and other publications of every nature whatever, heretofore deposited in the Department of the Interior, according to the laws regulating copyrights, together with all the records of said Department, and all records concerning the same which were removed by the Department of the Interior from the Department of State, shall be removed to and be under the control of the Librarian of Congress, who is hereby charged with all the duties pertaining to copyrights required by law.

SEC. 110. *And be it further enacted*, That the clerk of each of the

district courts of the United States shall transmit forthwith to the Librarian of Congress all books, maps, prints, photograp[h]s, music, and other publications of every nature whatever, deposited in the said clerk's office, and not heretofore sent to the Department of the Interior, at Washington, together with all records of copyright in his possession, including the titles so recorded, and the dates of record: *Provided*, That where there are duplicate copies of legal, scientific, or mechanical works, one copy of each may be deposited in the library of the Patent Office, for which a receipt shall be given by the Commissioner of Patents to the Librarian of Congress.

SEC. 111. *And be it further enacted*, That the acts and parts of acts set forth in the schedule of acts cited, hereto annexed, are hereby repealed, without reviving any acts or parts of acts repealed by any of said acts, or by any clause or provisions therein: *Provided, however*, That the repeal hereby enacted shall not affect, impair, or take away any right existing under any of said laws; but all actions and causes of action, both in law and in equity, which have arisen under any of said laws, may be commenced and prosecuted, and if already commenced may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting that the remedial provisions of this act shall be applicable to all suits and proceedings hereafter commenced: *And provided also*, That all applications for patents pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof: *And provided further*, That all offences which are defined and punishable under any of said acts, and all penalties and forfeitures created thereby, and incurred before this act takes effect, may be prosecuted, sued for, and recovered, and such offences punished according to the provisions of said acts, which are continued in force for such purpose.

Schedule of Statutes Cited and Repealed as Printed in the Statutes at Large.

COPYRIGHTS.

Act of February 15, 1819, chapter 19, volume 3, page 481.
February 3, 1831, chapter 16, volume 4, page 436.
June 30, 1834, chapter 157, volume 4, page 728.
August 18, 1856, chapter 169, volume 11, page 138.
February 5, 1859, chapter 22, volume 11, page 380.
February 18, 1861, chapter 37, volume 12, page 130.
March 3, 1865, chapter 126, volume 13, page 540.
February 18, 1867, chapter 43, volume 14, page 395.

Approved July 8, 1870.

In "The Statutes at Large and Proclamations of the United States of America, from December, 1869 to March, 1871. Edited by George P. Sanger." Vol. 16, 8vo. Boston, 1871, pp. 212–217.

685 - 914 O - 63 - 4

FORTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 335, SECTION 184.

AN ACT to revise, consolidate, and amend the statutes relating to the Post-Office Department.

1872, June 8.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

SEC. 184. That the following mail-matter shall be allowed to pass free in the mail: * * *

Fifth. Copyright matter to the librarian of Congress, if marked on the package, "copyright matter." * * *

Approved, June 8, 1872.

In "The Statutes at Large and Proclamations of the United States of America, from March, 1871, to March, 1873. Edited by George P. Sanger." Vol. 17, 8vo. Boston, 1873, pp. 283, 306, 307, 330.

FORTY-THIRD CONGRESS, FIRST SESSION.

REVISED STATUTES, TITLE 13, THE JUDICIARY.

1873, DEC. 1. (Revision.)

CHAPTER 7.—CIRCUIT COURT—JURISDICTION.

SEC. 629. The circuit courts shall have original jurisdiction as follows: * * * Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States. (Rev. Stat., 1878, pp. 110, 111.)

CHAPTER 11.—SUPREME COURT—JURISDICTION.

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patents-rights or copyrights. (Rev. Stat., 1878, p. 130.)

CHAPTER 12.—PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several states: * * * Fifth. Of all cases arising under the patent-right or copyright laws of the United States. (Rev. Stat., 1878, pp. 134, 135.)

CHAPTER 18.—PROCEDURE.

SEC. 972. In all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon. (Rev. Stat., 1878, p. 183.)

In "Revised Statutes of the United States, passed at the first session of the Forty-third Congress, 1873–74." Second edition, 8vo. Washington, 1878, pp. 110, 111, 130, 134, 135, 183.

REVISED STATUTES, TITLE 60, PATENTS, TRADE-MARKS AND COPYRIGHTS.

1873, Dec. 1. (Revision.)

CHAPTER 3.—COPYRIGHTS.

Sec.
4948. Copyrights to be under charge of Librarian of Congress.
4949. Seal of office.
4950. Bond of Librarian.
4951. Annual Report.
4952. What publications may be entered for copyright.
4953. Term of copyrights.
4954. Continuance of term.
4955. Assignment of copyrights and recording.
4956. Deposit of title and published copies.
4957. Record of entry and attested copy.
4958. Fees.
4959. Copies of copyright works to be furnished to Librarian of Congress.
4960. Penalty for omission.
4961. Postmasters to give receipts.
Sec.
4962. Publication of notice of entry for copyright prescribed.
4963. Penalty for false publication of notice of entry.
4964. Damages for violation of copyright of books.
4965. For violating copyright of maps, charts, prints, &c.
4966. For violating copyright of dramatic compositions.
4967. Damages for printing or publishing any manuscript without consent of author, &c.
4968. Limitation of action in copyright cases.
4969. Defenses to action in copyright cases.
4970. Injunctions in copyright cases.
4971. Aliens and non-residents not privileged.

SEC. 4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

SEC. 4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

SEC. 4950. The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

SEC. 4952. Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 4954. The author, inventor, or designer, if he be still living and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

SEC. 4955. Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

SEC. 4956. No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts, for which he desires a copyright, nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or in case of a painting, drawing,

statue, statuary, model, or design for a work of the fine arts, a photograph of the same.

SEC. 4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "'Library of Congress, to wit: Be it remembered that on the day of , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit: (here insert the title or description,) the right whereof he claims as author, (originator, or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

SEC. 4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

Third. For recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words.

Fourth. For every copy of an assignment, ten cents for every one hundred words.

All fees so received shall be paid into the Treasury of the United States.

SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, District of Columbia, within ten days after its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made.

SEC. 4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

SEC. 4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, "Entered according to act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington."

SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty, and one-half to the use of the United States.

SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import, or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the time limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he

shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.

SEC. 4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

SEC. 4967. Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, if such author or proprietor is a citizen of the United States, or resident therein, shall be liable to the author or proprietor for all damages occasioned by such injury.

SEC. 4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

SEC. 4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

SEC. 4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

SEC. 4971. Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

In "The Revised Statutes of the United States, passed at the first session of the Forty-third Congress, 1873–'74." Second edition, 8vo. Washington, 1878, pp. 957–960.

FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 301.

AN ACT to amend the law relating to patents, trade marks, and copyrights.

1874, June 18.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing,

chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, viz: "Entered according to act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington;" or, at his option the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus—"Copyright, 18 , by A. B."

SEC. 2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

SEC. 3. That in the construction of this act, the words "Engraving," "cut" and "print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

Approved, June 18, 1874.

In "The Statutes at Large of the United States, from December, 1873, to March, 1875." Vol. 18, part 3, 8vo. Washington, 1875, pp. 78–79.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, pp. 15–16.

FORTY-FIFTH CONGRESS, THIRD SESSION, CHAPTER 180, SECTION 15.

AN ACT making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

1879, March 3.

SEC. 15. That foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster General, on application of the publishers thereof, or their agents, be transmitted through the mails at the same rates as if

published in the United States. Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States.

Approved, March 3, 1879.

In "The Statutes at Large of the United States of America, from October, 1877, to March, 1879." Vol. 20, 8vo. Washington, 1879, p. 359.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, p. 247.

FORTY-SEVENTH CONGRESS, FIRST SESSION, CHAPTER 366.

AN ACT to amend the statutes in relation to copyright.

1882, August 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright mark prescribed by section forty-nine hundred and sixty-two of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturers, merchants, and trade marks thereon.

Approved, August 1, 1882.

In "The Statutes at Large of the United States of America, from December, 1881, to March, 1883." Vol. 22, 8vo. Washington, 1883, p. 181.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, p. 363.

FIFTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 565.

AN ACT to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

1891, March 3. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or repre-

sented by others; and authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States."

SEC. 2. That section forty-nine hundred and fifty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4954. The author, inventor, or designer, if he be still living, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term; and such persons shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks."

SEC. 3. That section forty-nine hundred and fifty-six of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read as folllows:

"SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same: *Provided*, That in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, chromo, litho-

graph, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in paragraphs five hundred and twelve to five hundred and sixteen, inclusive, in section two of the act entitled 'An act to reduce the revenue and equalize the duties on imports, and for other purposes,' approved October first, eighteen hundred and ninety, and except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time; and except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation: *Provided, nevertheless*, That in the case of books in foreign languages, of which only translations in English are copyrighted the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted."

SEC. 4. That section forty-nine hundred and fifty-eight of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

"SEC. 4958. The Librarian of Congress shall receive from the persons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright book or other article, fifty cents.

"Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

"Third. For recording and certifying any instrument of writing for the assignment of a copyright, one dollar.

"Fourth. For every copy of an assignment, one dollar.

"All fees so received shall be paid into the Treasury of the United States: *Provided*, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be one dollar, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles as hereinafter provided for.

"And it is hereby made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all books and other articles wherein the copyright has been completed by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of this act and by the deposit of two copies of such other article made or produced in the United States; and the Secretary of the

Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum; and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act."

SEC. 5. That section forty-nine hundred and fifty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail, addressed to the Librarian of Congress, at Washington, District of Columbia, a copy of every subsequent edition wherein any substantial changes shall be made: *Provided, however*, That the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above provided for in this act, unless they form a part of the series in course of publication at the time this act shall take effect."

SEC. 6. That section forty-nine hundred and sixty-three of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic, or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States."

SEC. 7. That section forty-nine hundred and sixty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4964. Every person, who after the recording of the title of any book and the depositing of two copies of such book, as provided by this act, shall, contrary to the provisions of this act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction."

SEC. 8. That section forty-nine hundred and sixty-five of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statute, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States."

SEC. 9. That section forty-nine hundred and sixty-seven of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4967. Every person who shall print or publish any manuscript whatever without the consent of the author or proprietor first obtained, shall be liable to the author or proprietor for all damages occasioned by such injury."

SEC. 10. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed.

SEC. 11. That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above.

SEC. 12. That this act shall go into effect on the first day of July, anno Domini eighteen hundred and ninety-one.

SEC. 13. That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of

which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

Approved, March 3, 1891.

In "The Statutes at Large of the United States of America, from December, 1889, to March, 1891." Vol. 26, 8vo. Washington, 1891, pp. 1106–1110.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson.' Vol. 1, 8vo. Washington, 1891, pp. 951–954.

FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 74.

AN ACT to establish a court of appeals for the District of Columbia, and for other purposes.

1893, February 9.

SEC. 8. That any final judgment or decree of the said court of appeals [of the District of Columbia] may be re-examined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all causes in which the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars, in the same manner and under the same regulations as heretofore provided for in cases of writs of error on judgment or appeals from decrees rendered in the supreme court of the District of Columbia; and also in cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of or an authority exercised under the United States.

In "The Statutes at Large of the United States of America, from December, 1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, p. 436.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895–1900, p. 79.

FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 215.

AN ACT relating to copyrights.

1893, March 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any author, inventor, designer, or proprietor of any book, or other article entitled to copyright, who has heretofore failed to deliver in the office of the Librarian of Congress, or in the mail addressed to the Librarian of Congress, two complete copies of such book, or description or photograph of such article, within the time limited by title sixty, chapter three, of the Revised Statutes relating to copyrights, and the acts in amendment thereof, and has complied with all other provisions thereof, who has, before the first day of March, anno Domini eighteen hundred and ninety-three, delivered at

the office of the Librarian of Congress, or deposited in the mail addressed to the Librarian of Congress two complete printed copies of such book, or description, or photograph of such article, shall be entitled to all the rights and privileges of said title sixty, chapter three, of the Revised Statutes and the acts in amendment thereof.

Approved, March 3, 1893.

In "The Statutes at Large of the United States of America, from December, 1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, p. 743.

FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 23, SECTION 52.

AN ACT providing for the public printing and binding and the distribution of public documents.

1895, Jan. 12. SEC. 52. The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and ten per centum added: *Provided*, That the full amount of the price shall be paid when the order is filed: *And provided further*, That no publication reprinted from such stereotype or electrotype plates and no other Government publication shall be copyrighted.

Approved, January 12, 1895.

In "The Statutes at Large of the United States of America, from August, 1893, to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 608.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895–1900, p. 348.

FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 194.

AN ACT to amend section forty-nine hundred and sixty-five, chapter three, title sixty, of the Revised Statutes of the United States, relating to copyrights.

1895, March 2. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section forty-nine hundred and sixty-five, chapter three, title sixty, of the Revised Statutes, be, and the same is hereby, amended so as to read as follows:

"SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall, within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch,

work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale: *Provided, however*, That in case of any such infringement of the copyright of a photograph made from any object not a work of fine arts, the sum to be recovered in any action brought under the provisions of this section shall be not less than one hundred dollars, nor more than five thousand dollars, and: *Provided, further*, That in case of any such infringement of the copyright of a painting, drawing, statue, engraving, etching, print, or model or design for a work of the fine arts or of a photograph of a work of the fine arts, the sum to be recovered in any action brought through the provisions of this section shall be not less than two hundred and fifty dollars, and not more than ten thousand dollars. One-half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States."

Approved, March 2, 1895.

In "The Statutes at Large of the United States of America, from August, 1893, to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 965.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895–1900, p. 437.

FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 4.

AN ACT to amend title sixty, chapter three, of the Revised Statutes relating to copyrights.

1897, Jan. 6.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and sixty-six of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first and fifty dollars for every subsequent performance, as to the court shall appear to be

just. If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor and upon conviction be imprisoned for a period not exceeding one year. Any injunction that may be granted upon hearing after notice to the defendant by any circuit court of the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or musical composition may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative and may be enforced by proceedings to punish for contempt or otherwise by any other circuit court or judge in the United States; but the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or musical composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit court or the judge before whom said motion shall be made shall deem proper; service of said motion to be made on the plaintiff in person or on his attorneys in the action. The circuit courts or judges thereof shall have jurisdiction to enforce said injunction and to hear and determine a motion to dissolve the same, as herein provided, as fully as if the action were pending or brought in the circuit in which said motion is made."

"The clerk of the court, or judge granting the injunction, shall, when required to do so by the court hearing the application to dissolve or enforce said injunction, transmit without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office."

Approved, January 6, 1897.

In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, pp. 481–482.
Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895–1900, p. 536.

FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 265.—COPYRIGHT DEPARTMENT.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

1897, Feb. 19.

COPYRIGHT DEPARTMENT: For the following under the direction of the Librarian of Congress, necessary for the execution of the copyright law, namely: Register of copyrights, three thousand dollars, who shall, on and after July first, eighteen hundred and ninety-seven, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the

685 - 914 O - 63 - 5

Treasury, and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall, on and after July first, eighteen hundred and ninety-seven, give bond to the Librarian of Congress in the sum of twenty thousand dollars, with approved sureties, for the faithful discharge of his duties; two clerks, at one thousand eight hundred dollars each; two clerks, at one thousand six hundred dollars each; three clerks, at one thousand four hundred dollars each; ten clerks, at one thousand two hundred dollars each; ten clerks, at nine hundred dollars each; two clerks, at seven hundred and twenty dollars each; in all, thirty-six thousand four hundred and forty dollars.

* * * * * * *

The Librarian of Congress shall on and after July first, eighteen hundred and ninety-seven, give bond, payable to the United States, in the sum of twenty thousand dollars, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties according to law.

The Librarian of Congress shall make to Congress at the beginning of each regular session, a report for the preceding fiscal year, as to the affairs of the Library of Congress, including the copyright business, and said report shall also include a detailed statement of all receipts and expenditures on account of the Library and said copyright business.

Approved, February 19, 1897.

In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 545, 546.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895–1900, p. 554.

FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 392.

AN ACT to amend title sixty, chapter three, of the Revised Statutes of the United States relating to copyrights.

1897, March 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and sixty-three of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph or other article bearing

such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation: *Provided*, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof."

SEC. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are hereby, repealed.

Approved, March 3, 1897.

In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, pp. 694–695.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895–1900, p. 613.

FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 192.—[COPYRIGHT OFFICE.]

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

1900, April 17.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, three thousand dollars; four clerks, at one thousand eight hundred dollars each; four clerks, at one thousand six hundred dollars each; two clerks, at one thousand four hundred dollars each; nine clerks, at one thousand two hundred dollars each; three clerks, at one thousand dollars each; eight clerks, at nine hundred dollars each; seven clerks, at seven hundred and twenty dollars each; one clerk, six hundred dollars; one messenger boy, three hundred and sixty dollars; Arrears, special service: Three clerks, at one thousand two hundred dollars each; one porter, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, fifty-one thousand and eighty dollars.

Approved, April 17, 1900.

In "The Statutes at Large of the United States of America, from December, 1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, p. 95.

1 FIFTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 2.

AN ACT to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition.

1904, January 7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the author of any book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph published abroad prior to November thirtieth, nineteen hundred and four, but not registered for copyright protection in the United States copyright office, or the heirs and assigns of such author, shall have in the case of any such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph intended for exhibition at the Louisiana Purchase Exposition the sole liberty of printing, reprinting, publishing, copying, and vending the same within the limits of the United States for the term herein provided for upon complying with the provisions of this Act.

SEC. 2. That one copy of such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph to be exhibited as herein provided shall be delivered at the copyright office, Library of Congress, at Washington, District of Columbia, with a statement duly subscribed to in writing that the book or other article is intended for such exhibition and that the copyright protection herein provided for is desired by the copyright proprietor, whose full name and legal residence is to be stated in the application.

SEC. 3. That the register of copyrights shall record the title of each volume of any such book or other article herein provided for, or if the article lacks a title, shall record a brief description of it sufficient to identify it, in a special series of record books to be designated the "Interim copyright record books," and shall furnish to the copyright claimant a copy of record under seal of such recorded title or description, and the said title or description is to be included in the Catalogue of Title Entries provided for in section four of the act of March third, eighteen hundred and ninety-one.

SEC. 4. That a fee of one dollar and fifty cents shall be paid to the register of copyrights for each title or description to be recorded and a certified copy of the record of the same, and in the case of a work in more than one volume the same amount, one dollar and fifty cents, shall be paid for each volume, and the register of copyrights shall deposit all such fees paid in the Treasury of the United States, and report and account for the same in accordance with the provisions in

relation to copyright fees of the appropriation act approved February nineteenth, eighteen hundred and ninety-seven.

SEC. 5. That the copyright protection herein provided for shall be for the term of two years from the date of the receipt of the book or other article in the copyright office.

SEC. 6. That if at any time during the term of the copyright protection herein provided for, two copies of the original text of any such book, or of a translation of it in the English language, printed from type set within the limits of the United States or from plates made therefrom, or two copies of any such photograph, chromo, or lithograph printed from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited in the copyright office, Library of Congress, at Washington, District of Columbia, such deposit shall be held to extend the term of copyright protection to such book, photograph, chromo, or lithograph for the full terms provided for in title sixty, chapter three, of the Revised Statutes of the United States, computed from the date of the receipt of the book, photograph, chromo, or lithograph and the registration of the title or description as herein provided for.

SEC. 7. That in the case of an original work of the fine arts (a painting, drawing, statue, statuary, and a model or design intended to be perfected as a work of the fine arts) which has been produced without the limits of the United States prior to the thirtieth day of November, nineteen hundred and four, and is intended for exhibition at the Louisiana Purchase Exposition, the author of such work of art, or his heirs and assigns, shall be granted copyright protection therefor during a period of two years from the date of filing in the copyright office, Library of Congress, at Washington, District of Columbia, a description of the said work of art and a photograph of it, and upon paying to the register of copyrights one dollar and fifty cents for the registration of such description, and a copy of record under seal of such recorded description.

SEC. 8. That, except in so far as this Act authorizes and provides for temporary copyright protection during the period and for the purposes herein provided for, it shall not be construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the Acts amendatory thereof. That no registration under this Act shall be made after the thirtieth day of November, nineteen hundred and four.

Approved, January 7, 1904.

In "The Statutes at Large of the United States of America, from November, 1903, to March, 1905." Vol. 33, part 1, 8vo. Washington, 1905, pp. 4–5.

FIFTY-EIGHTH CONGRESS, THIRD SESSION, CHAPTER 1432.

AN ACT to amend section forty-nine hundred and fifty-two of the Revised Statutes.

1905, March 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors or their assigns shall have exclusive right to dramatize or translate any of their works for which copyright shall have been obtained under the laws of the United States.

"Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall deposit one complete copy of the same, including all maps and other illustrations, in the Library of Congress, Washington, District of Columbia, within thirty days after the first publication of such book in a foreign country, and shall insert in such copy, and in all copies of such book sold or distributed in the United States, on the title page or the page immediately following, a notice of the reservation of copyright in the name of the proprietor, together with the true date of first publication of such book, in the following words: 'Published , nineteen hundred and Privilege of copyright in the United States reserved under the Act approved , nineteen hundred and five, by ,' and shall, within twelve months after the first publication of such book in a foreign country, file the title of such book and deposit two copies of it in the original language or, at his option, of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, containing a notice of copyright, as provided by the copyright laws now in force, he and they shall have during the term of twenty-eight years from the date of recording the title of the book or of the English translation of it, as provided for above, the sole liberty of printing, reprinting, publishing, vending, translating and dramatizing the said book: *Provided*, That this Act shall only apply to a citizen or subject of a foreign State or nation when such foreign State or nation permits to citizens of the

United States of America the benefit of copyright on substantially the same basis as to its own citizens."

Approved, March 3, 1905.

In "The Statutes at Large of the United States of America, from November, 1903, to March, 1905." Vol. 33, part 1, 8vo. Washington, 1905, pp. 1000–1001.

AN ACT TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work; Exclusive right to print, publish and vend.

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art; Exclusive right to translate, dramatize, arrange and adapt, etc.

(c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production; Exclusive right to deliver lectures, sermons, etc.

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever; To represent dramatic works, or make record, or exhibit or perform, etc.

To perform music and make arrangement, setting, or record.

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: *And provided further, and as a condition of extending the copyright control to such mechanical reproductions*, That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the twentieth day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the twentieth of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit: *And provided further*, That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a

Act not retroactive.

Music by foreign author.

Control of mechanical musical reproduction.

Royalty for use of music on records, etc.

Notice of use of music on records.

License to use music on records.

recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

Failure to pay royalties.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times such amount.

Reproduction of music on coin-operated machines.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Right at common law or in equity.

SEC. 2. That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

Component parts of copyrightable work.

SEC. 3. That the copyright provided by this Act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this Act.

Composite works or periodicals.

Works protected.

SEC. 4. That the works for which copyright may be secured under this Act shall include all the writings of an author.

Classification of copyright works.

SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

Books, composite, cyclopædic works; directories, gazetteers, etc.

(a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;

(b) Periodicals, including newspapers;

(c) Lectures, sermons, addresses, prepared for oral delivery;

(d) Dramatic or dramatico-musical compositions;

(e) Musical compositions;

(f) Maps;

(g) Works of art; models or designs for works of art;

(h) Reproductions of a work of art;

(i) Drawings or plastic works of a scientific or technical character;

(j) Photographs;

(k) Prints and pictorial illustrations:

Classification does not limit copyright.

Provided, nevertheless, That the above specifications shall not be held to limit the subject-matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

Compilations, abridgments, dramatizations, translations, new editions.

SEC. 6. That compilations or abridgements, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such work, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this Act; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

Subsisting copyright not affected.

Not subject-matter of copyright; works in public domain; government publications.

SEC. 7. That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however*, That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

Copyright to author or proprietor for terms specified in Act.

SEC. 8. That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: *Provided, however*, That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only:

Foreign authors who may secure copyright protection.

Alien authors domiciled in U. S.

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

Authors, when citizens of countries granting reciprocal rights.

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

International agreement.

Presidential proclamation.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

Publication with notice initiates copyright.

SEC. 9. That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section twenty-one of this Act.

Registration of copyright.

SEC. 10. That such person may obtain registration of his claim to copyright by complying with the provisions of this Act, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in section fifty-five of this Act.

Copyright certificate.

Copyright protection of unpublished works: lectures, dramas, music, etc.

SEC. 11. That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete

copy of such work if it be a lecture or similar production or a dramatic or musical composition; of a photographic print if the work be a photograph; or of a photograph or other identifying reproduction thereof if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections twelve and thirteen of this Act where the work is later reproduced in copies for sale.

Deposit of copies after publication.

Two complete copies of best edition.

SEC. 12. That after copyright has been secured by publication of the work with the notice of copyright as provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, which copies, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with.

Periodical contributions.

Work not reproduced in copies for sale.

No action for infringement until deposit of copies.

Failure to deposit copies.

Register of copyrights may demand copies.

SEC. 13. That should the copies called for by section twelve of this Act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the

Failure to deposit on demand.

United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

Fine $100 and retail price of 2 copies, best edition. Forfeiture of copyright.

SEC. 14. That the postmaster to whom are delivered the articles deposited as provided in sections eleven and twelve of this Act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

Postmaster's receipt.

SEC. 15. That of the printed book or periodical specified in section five, subsections (a) and (b) of this Act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this Act.

Printed from type set within the United States. Book in foreign language excepted. Lithographic or photo-engraving process. Printing and binding of the book. Illustrations in a book. Separate lithographs and photo-engravings. Books for blind excepted. Books in foreign languages excepted.

SEC. 16. That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or repre-

Affidavit of American manufacture.

sentative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

Printing and binding of the book.

Establishment where printing was done.

Date of publication.

False affidavit, a misdemeanor; fine, $1,000 and forfeiture of copyright.

SEC. 17. That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.

Notice of copyright.

SEC. 18. That the notice of copyright required by section nine of this Act shall consist either of the word "Copyright" or the abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section five of this Act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either

Notice on maps, copies of works of art, photographs, and prints.

Notice on accessible portion.

Notice on existing copyright works.

in one of the forms prescribed herein or in one of those prescribed by the Act of June eighteenth, eighteen hundred and seventy-four. [See pages 47, 48.]

Notice of copyright on book.

SEC. 19. That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following, or if a periodical either upon the title-page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title-page or the first page of music: *Provided*, That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

On periodical.

One notice in each volume or periodical.

Omission of notice by accident or mistake.

SEC. 20. That where the copyright proprietor has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

Innocent infringement.

Book published abroad in the English language.

SEC. 21. That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of thirty days after such deposit in the copyright office.

Ad interim copyright for 30 days.

Extension to full term.

SEC. 22. That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section

fifteen of this Act, and whenever the provisions of this Act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this Act.

Deposit of copies, filing of affidavit.

Duration of copyright: 1st term, 28 years.

SEC. 23. That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopædic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopædic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

Posthumous works, periodicals, cyclopædic or composite works.

Renewal term 28 years.

Other copyrighted works, first term 28 years.

Renewal term 28 years; to author, widow, children, heirs or next of kin.

Notice that renewal term is desired.

Copyright ends in 28 years unless renewed.

685 - 914 O - 63 - 6

Extension of subsisting copyrights.

SEC. 24. That the copyright subsisting in any work at the time when this Act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this Act, including the renewal period: *Provided, however*, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided*, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

Proprietor entitled to renewal for composite work.

Renewal application.

Infringement of copyright.

SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

Injunction.

(a) To an injunction restraining such infringement;

Damages.

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty:

Proving sales.

Newspaper reproduction of photograph; recovery, $50–$200.

Maximum recovery, $5,000.

Minimum recovery, $250.

Painting, statue, or sculpture, $10 for every infringing copy.

First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or

sold by or found in the possession of the infringer or his agents or employees;

Other works $1 for every infringing copy.

Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Lectures, $50 for every infringing delivery.

Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

Dramatic or musical works, $100 for first and $50 for subsequent infringing performance.

Other musical compositions, $10 for every infringing performance.

Fourth. In the case of dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

Delivering up infringing articles.

(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

Destruction of infringing copies, etc.

(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order;

Infringement by mechanical musical instruments.

(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright

Injunction may be granted.

Recovery of royalty.

Notice to proprietor of intention to use.

proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Damages, three times amount provided. Temporary injunction.

Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States.

Rules for practice and procedure.

SEC. 26. That any court given jurisdiction under section thirty-four of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

Judgment enforcing remedies.

SEC. 27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

Proceedings, injunction, etc., may be united in one action.

SEC. 28. That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the court: *Provided, however*, That nothing in this Act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

Penalty for willful infringement.

Oratorios, cantatas, etc., may be performed

SEC. 29. That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly

False notice of copyright (penalty for).

Fraudulent removal of notice; fine $100–$1,000.

copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars.

Issuing, selling, or importing article bearing false notice; fine $100.

Importation prohibited of articles bearing false notice and *piratical* copies.

SEC. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

Prohibition of importation of books.

SEC. 31. That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this Act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this Act, shall be, and is hereby, prohibited: *Provided, however*, That, except as regards piratical copies, such prohibition shall not apply:

Exceptions to prohibition of importation:

Works for the blind.

(a) To works in raised characters for the use of the blind;

Foreign newspapers or magazines.

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

Books in foreign languages of which only translations are copyrighted.

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country;

Importation of authorized foreign books permitted.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported

under the circumstances stated in one of the four subdivisions following, that is to say:

For individual use and not for sale.

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

For the use of the United States.

Second. When imported by the authority or for the use of the United States;

For the use of societies, libraries, etc.

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

Libraries purchased en bloc.

Books brought personally into the United States.

Imported copies not to be used to violate copyright.

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright.

Seizure of unlawfully imported copies.

SEC. 32. That any and all articles prohibited importation by this Act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided*, *however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in viola-

Copies of authorized books imported may be returned.

tion of the provisions of this Act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

Secretary of Treasury and Postmaster-General to make rules to prevent unlawful importation.

SEC. 33. That the Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this Act, and may require notice to be given to the Treasury Department or Post-Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this Act, and which infringe the rights of such copyright proprietors or injured parties.

Jurisdiction of courts in copyright cases.

SEC. 34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the circuit courts of the United States, the district court of any Territory, the supreme court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

District in which suit may be brought.

SEC. 35. That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

Injunctions may be granted.

SEC. 36. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

Certified copy of papers filed.

SEC. 37. That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

Judgments, etc., may be reviewed on appeal or writ of error.

SEC. 38. That the orders, judgments, or decrees of any court mentioned in section thirty-four of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

No criminal proceedings shall be maintained after *three* years.

SEC. 39. That no criminal proceeding shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose.

Full costs shall be allowed.

SEC. 40. That in all actions, suits, or proceedings under this Act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

Copyright distinct from property in material object.

SEC. 41. That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

Transfer of any copy of copyrighted work permitted.

Copyright may be assigned, mortgaged, or bequeathed by will.

SEC. 42. That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

Assignment executed in foreign country to be acknowledged.

SEC. 43. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgement under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

Assignments to be recorded.

SEC. 44. That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Register of copyrights to record assignments.

SEC. 45. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

Assignee's name may be substituted in copyright notice.

SEC. 46. That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act.

Copyright records.

SEC. 47. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

Register of copyrights and assistant register of copyrights.

SEC. 48. That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of four thousand dollars per annum, and one assistant register of copyrights, at a salary of three thousand dollars per annum, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

Register of copyrights to deposit and account for fees.

SEC. 49. That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treas-

ury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

Shall make monthly report of fees.

SEC. 50. That the register of copyrights shall give bond to the United States in the sum of twenty thousand dollars, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

Bond of register of copyrights.

SEC. 51. That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this Act.

Annual report of register of copyrights.

SEC. 52. That the seal provided under the Act of July eighth, eighteen hundred and seventy, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

Seal of copyright office.

SEC. 53. That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this Act.

Rules for the registration of copyrights.

SEC. 54. That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this Act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this Act he shall make entry thereof.

Record books.

Entry of copyright.

SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled

Certificate of registration.

to a certificate of registration under seal of the copyright office, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

Certificate for book to state receipt of affidavit.

Certificate may be given to any person.

Receipt for copies deposited.

Index to copyright registrations.

SEC. 56. That the register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

Catalogue of copyright entries.

Catalogue cards.

Catalogues and indexes prima facie evidence.

Distribution of catalogue of copyright entries.

SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster-

General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding five dollars per annum for the complete catalogue of copyright entries and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

Subscription price.

Superintendent of documents to receive subscriptions.

SEC. 58. That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

Record books, etc., open to inspection.

Copies may be taken of entries in record books.

SEC. 59. That of the articles deposited in the copyright office under the provisions of the copyright laws of the United States or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

Disposition of copyright deposits.

Preservation of copyright deposits.

SEC. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remain-

Disposal of copyright deposits.

ing articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this Act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

Manuscript copies to be preserved.

Fees.

SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisons of this Act, one dollar, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be fifty cents where a certificate is not demanded. For every additional certificate of registration made, fifty cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section one, subsection (e), or for any copy of such assignment or license, duly certified, if not over three hundred words in length, one dollar; if more than three hundred and less than one thousand words in length, two dollars; if more than one thousand words in length, one dollar additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section one, subsection (e), twenty-five cents for each notice if not over fifty words, and an additional twenty-five cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, one dollar. For recording the extension or renewal of copyright provided for in sections twenty-three and twenty-

Fee for registration.

Fee for certificate.

Fee for recording assignment.

Fee for copy of assignment.

Fee for recording notice of user upon mechanical musical instruments.

Fee for comparing copy of assignment.

Fee for recording renewal of copyright.

four of this Act, fifty cents. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, fifty cents for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time.

Fee for recording transfer of proprietorship.

Fee for search.

Only one registration required for work in several volumes.

SEC. 62. That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

Definitions: "Date of publication."

"Author."

SEC. 63. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Repealing clause.

SEC. 64. That this Act shall go into effect on the first day of July, nineteen hundred and nine.

Date of enforcement.

Approved, March 4, 1909.

[60th Congress, 2d session.]

ACT OF AUGUST 24, 1912

(The new matter is printed in italics)

AN ACT To amend sections five, eleven, and twenty-five of an Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections five, eleven, and twenty-five of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

Classification of copyright works.

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

Books, composite, cyclopædic works; directories, gazetteers, etc.

"(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;

"(b) Periodicals, including newspapers;

"(c) Lectures, sermons, addresses (prepared for oral delivery);

"(d) Dramatic or dramatico-musical compositions;

"(e) Musical compositions;

"(f) Maps;

"(g) Works of art; models or designs for works of art;

"(h) Reproductions of a work of art;

"(i) Drawings or plastic works of a scientific or technical character;

"(j) Photographs;

"(k) Prints and pictorial illustrations;

Motion-picture photoplays; motion pictures not photoplays.

"*(l) Motion-picture photoplays;*

"*(m) Motion pictures other than photoplays:*

Classification does not limit copyright.

"*Provided, nevertheless,* That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act."

Copyright protection of unpublished works: lectures, dramas, music, etc.

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one com-

plete copy of such work if it be a lecture or similar production or a dramatic, musical, or *dramatico-musical* composition; *of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay;* of a photographic print if the work be a photograph; *of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay;* or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen of this Act, where the work is later reproduced in copies for sale."

Deposit of copies after publication.

Infringement of copyright.

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

Injunction.

"(a) To an injunction restraining such infringement;

Damages.

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and

Proving sales.

in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, *and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such in-*

Newspaper reproduction of photograph; recovery, $50–$200.

Infringement by motion pictures:
Undramatized or non-dramatic work, maximum damages, $100.

Dramatic work, maximum damages, $5,000.

fringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. *But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.*

Maximum recovery, $5,000.
Minimum recovery, $250.

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Painting, statue, or sculpture, $10 for every infringing copy.

"Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Other works, $1 for every infringing copy.

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

Lectures, $50 for every infringing delivery.

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

Dramatic or musical works, $100 for first and $50 for subsequent infringing performance.
Other musical compositions, $10 for every infringing performance.

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

Delivering up infringing articles.

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices or other means for making such infringing copies as the court may order.

Destruction of infringing copies, etc.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted

Infringment by mechanical musical instruments.

685 - 914 O - 63 - 7

music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Injunction may be granted.

Recovery of royalty.

Notice to proprietor of intention to use.

Damages, three times amount provided.

Temporary injunction.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

Rules for practice and procedure.

Approved, August 24, 1912.

[62d Congress, 2d session]

(United States Statutes at Large, v. 37, part 1, p. 488–490, Washington, 1913)

ACT OF MARCH 2, 1913

(*The new matter is printed in italics*)

AN ACT To amend section fifty-five of "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, *the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said regis-*

Certificate of registration.

Nationality of author.

tration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work *which is registered* for which copyright is claimed, the date of the deposit of the copies of such work, *the date of publication if the work has been reproduced in copies for sale, or publicly distributed,* and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for *in the case of all registrations made after July 1, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts,* which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

Certificate for book to state receipt of affidavit.

Certificate may be given to any person.

Receipt for copies deposited.

Approved, March 2, 1913.

[62d Congress, 3d session]

(United States Statutes at Large, v. 37, part 1, p. 724-725, Washington, 1913)

ACT OF MARCH 28, 1914

(*The new matter is printed in italics*)

AN ACT To amend section twelve of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine, be, and the same is hereby, amended so as to read as follows:

"SEC. 12. That after copyright has been secured by publication of the work with the notice of copyright as

Deposit of two copies required.

provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, *or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country,* which copies *or copy,* if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with."

Work by foreigner, published abroad, only one copy required.

Manufacturing requirement.

Copies not reproduced for sale, one copy required.

Infringements.

SEC. 2. That all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repeal of conflicting laws.

Approved, March 28, 1914.

[63d Congress, 2d session]

(United States Statutes at Large, v. 38, part 1, p. 311, Washington, 1915)

(*The new matter is printed in italics*)

AN ACT To amend sections eight and twenty-one of the Copyright Act, approved March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 8 and 21 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, be amended to read as follows:

[Sec. 8 of this amendatory act is omitted as no longer in effect.] *

"SEC. 21. That in the case of a book *first* published abroad in the English language *on or after the date of the President's proclamation of peace,* the deposit in the copyright office, not later than *sixty* days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of *four months* after such deposit in the copyright office."

Book published abroad in the English language.

Deposit within 60 days of publication.

Ad interim copyright for 4 months.

Approved, December 18, 1919.

[66th Congress, 2d session]

(United States Statutes at Large, v. 41, part 1, p. 368, Washington, 1919)

*However, see appendix, p. 137.

ACT OF JULY 3, 1926

(*The new matter is printed in italics*)

AN ACT To amend section 15 of an Act entitled "An Act to amend and consolidate the Acts respecting copyright," [approved] March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of an Act entitled "An Act to amend and consolidate the acts respecting copyright," [approved] March 4, 1909, be amended to read as follows:

"SEC. 15. That of the printed book or periodical specified in section 5, subsections (a) and (b) of this Act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of

Printed from type set within the United States.

Book in foreign language excepted.

Lithographic or photo-engraving process.

Printing and binding of the book.

the text and binding of the said book shall be performed within the limits of the United States; which requirements

Illustrations in a book.

shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to

Separate lithographs and photo-engravings.

separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however, That said requirements* shall not apply to works in raised characters for the use

Books for blind excepted.

Books in foreign languages excepted.

of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this Act, *or to works printed or produced in the United States by any other process than those above specified in this section.*

Works by any other process than specified excepted.

Approved, July 3, 1926.

[69th Congress, 1st session]

(United States Statutes at Large, v. 44, part 2, p. 818, Washington, 1926)

(*The new matter is printed in italics*)

AN ACT To amend sections 57 and 61 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 57 and 61 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909 (section 57 and section 61, title 17, United States Code), be, and the same are hereby, amended so as to read as follows:

Distribution of catalogue of copyright entries.

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished *in whole or in part* to all parties desiring them at a price to be determined by the register of copyrights *for each part of the catalogue* not exceeding *$10* for the complete *yearly* catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

Subscription price.

Superintendent of Documents to receive subscriptions.

Fees.

"SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act *$2*, which sum is to include a certificate of registration under seal: *Provided*, That *in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be $1, and* in the case of a *published* photograph the fee shall be *$1* where a certificate is not *desired*. For every additional certificate of registration made, *$1*. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section

Fee for registration.

Fee for certificate.

Fee for recording assignment.

Fee for copy of assignment.

1, subsection (e), or for any copy of such assignment of license, duly certified, *$2 for each copyright office record-book page or additional fraction thereof over one-half page.*

Fee for recording notice of user upon mechanical instruments.

For recording the notice of user or acquiescence specified in section 1, subsection (e), *$1* for each notice *of not more than five titles.*

Fee for comparing copy of assignment.

For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, *$2.*

Fee for recording renewal of copyright.

For recording the renewal of copyright provided for in sections 23 and 24, *$1.*

Fee for recording transfer of proprietorship.

For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment.

Fee for search.

For any requested search of copyright office records, indexes, or deposits, $1 for each hour of time consumed in making such search:

Only one registration required for work in several volumes.

Provided, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time."

SEC. 2. This Act shall go into effect on July 1, 1928.

Approved, May 23, 1928.

[70th Congress, 1st session.]

(United States Statutes at Large, v. 45, part 1, p. 713, Washington, 1928)

ACT OF JANUARY 27, 1938

AN ACT to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General shall prepare, in such form and at such times as he shall deem advisable, and, upon his request, the Public Printer shall print as a public document to be sold by the Superintendent of Documents, illustrations in black and white of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to such stamps as the Postmaster General may deem suitable:

Provisos.
Stereotype, etc., plates to remain property of U. S.

Provided, That notwithstanding the provisions of section 52 of the Act of January 12, 1895 (U. S. C., 1934 edition, title 44, sec. 58), stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section shall not be sold or otherwise disposed of but shall remain the property of the United States:

Copyright may be secured by Postmaster General for U. S.

And provided further, That notwithstanding the provisions of section 7 of the Copyright Act of March 4, 1909 (U. S. C., 1934 edition, title 17, sec. 7), or any other provision of law, copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publication authorized by this section.

SEC. 2. The Act of March 3, 1923 (U. S. C., 1934 edition, title 18, sec. 350), is amended to read as follows:

"That (a) nothing in sections 161, 172, and 220 of the Criminal Code, as amended, or in any other provision of law, shall be construed to forbid or prevent the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of—

"(1) foreign revenue stamps if from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps;

"(2) foreign postage stamps; or

"(3) such portion of the border of a stamp of the United States as may be necessary to show minor distinctive features of the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated.

"(b) Notwithstanding any other provision of law, the Secretary of the Treasury, subject to the approval of the President, may, upon finding that no hindrance to the suppression of counterfeiting and no tendency to bring into disrepute any obligation or other security of the United States will result, by regulations, permit, to the extent and under such conditions as he may deem appropriate, the printing, publishing or importation or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of canceled or uncanceled United States postage stamps. The Secretary, subject to the approval of the President, may amend or repeal such regulations at any time. Such regulations, and any amendment or repeal thereof, shall become effective upon publication thereof in the Federal Register or upon such date as may be specified therein if later than the date of publication. All findings of fact made hereunder shall be final and conclusive and shall not be subject to review."

Amendment or repeal.

SEC. 3. Section 147 of the Criminal Code is hereby amended by striking out the period at the end thereof and adding a comma and the following: "and canceled United States stamps."

SEC. 4. Section 172 of the Criminal Code is hereby amended by the addition of the following new paragraph at the end thereof:

"Except as to counterfeits, material, and apparatus referred to in the preceding paragraph, all articles and devices and any other thing whatsoever made, possessed, or in any manner used in violation of any of the provisions of chapter 7 or sections 205, 218, 219, or 220 of chapter 8

of the Criminal Code, or the Act of August 26, 1935 (U. S. C., 1934 edition, title 18, ch. 7, and secs. 328, 347, 348, 349, and 349a, ch. 8), as amended, or in respect to which a violation of any such provision has occurred, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of such articles, devices, or other things, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such articles, devices, or other things, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department shall be fined not more than $100 or imprisoned not more than one year, or both. Whenever any person interested in any article, device, or other thing, or material or apparatus seized under this paragraph files with the Secretary of the Treasury, before the disposition thereof, a petition of the remission or mitigation of such forfeiture, the Secretary of the Treasury, if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or the mitigation of such forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just."

Approved, January 27, 1938.

[75th Congress, 3d session.]

(United States Statutes at Large, v. 52, p. 6, Washington, 1938)

ACT OF JULY 31, 1939

AN ACT to transfer jurisdiction over commercial prints and labels, for the purpose of copyright registration, to the Register of Copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective at the close of business June 30, 1940, section 3 of the Act entitled "An Act to amend the law relating to patents, trade-marks, and copyrights", approved June 18, 1874 (17 U. S. C. 63), is hereby repealed, but all original or renewal copyrights effected thereunder shall continue in full force and effect for the balance of the respective unexpired terms, subject to all the rights and remedies accorded by exisiting copyright law.

Section 3 of Act of June 18, 1874, repealed, effective June 30, 1940

SEC. 2. Section 5 (k) of the Act entitled "An Act to amend and consolidate the Acts respecting copyright" approved March 4, 1909, is hereby amended to read: "(k) Prints and pictorial illustrations including prints or labels used for articles of merchandise."

SEC. 3. That commencing July 1, 1940, the Register of Copyrights is charged with the registration of claims to copyright properly presented, in all prints and labels published in connection with the sale or advertisement of articles of merchandise, including all claims to copyright in prints and labels pending in the Patent Office and uncleared at the close of business June 30, 1940. All such pending applications and all fees which have been submitted or paid to or into the Patent Office for such pending applications, and all funds deposited and at the close of business June 30, 1940, held in the Patent Office to be applied to copyright business in that Office, shall be returned by the Commissioner of Patents to the applicants. There shall be paid for registering a claim of copyright in any such print or label not a trade-mark $6, which sum shall cover the expense of furnishing a certificate of such registration, under the seal of the Copyright Office, to the claimant of copyright.

Registration of commercial prints and labels transferred to Copyright Office.

Pending and uncleared claims

Fee.

SEC. 4. Subsisting copyrights originally registered in the Patent Office prior to July 1, 1940, under the provision of law repealed by section 1 hereof, shall be subject to renewal in behalf of the proprietor upon application made to the Register of Copyrights within one year prior to the expiration of the original term of twenty-eight years.

Effective July 1, 1940.

Renewal.

Approved, July 31, 1939.

[76th Congress, 1st session.]

(United States Statutes at Large, v. 53, part 2, p. 1142, Washington, 1939)

ACT OF MARCH 15, 1940

AN ACT to amend section 23 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 of the Act of March 4, 1909 (35 Stat. 1080; U. S. C., title 17, sec. 23), is hereby amended by deleting from the second proviso clause thereof the words "when such contribution has been separately registered".

Approved, March 15, 1940.

[76th Congress, 3d session.]

(United States Statutes at Large, v. 54, part 1, p. 51, Washington, 1941.)

ACT OF APRIL 11, 1940

(*The new matter is printed in italics*)

AN ACT to amend section 33 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 33 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, is amended to read as follows:

"SEC. 33. That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce *individually or jointly such* rules and regulations as shall prevent the importation into the United States of articles prohibited importation by this Act, and may require, *as conditions precedent to exclusion of any work in which copyright is claimed, the copyright proprietor or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such work to file with the Post Office Department or the Treasury Department a certificate of the Register of Copyrights that the provisions of section 12 of this Act, as amended, have been fully complied with, and to give notice of such compliance to postmasters or to customs officers at the ports of entry in the United States in such form and accompanied by such exhibits as may be deemed necessary for the practical and efficient administration and enforcement of the provisions of sections 30 and 31 of this Act.*"

Importation of copies.

Approved, April 11, 1940.

[76th Congress, 3d session.]

(United States Statutes at Large, v. 54, part 1, p. 106, Washington, 1941)

ACT OF SEPTEMBER 25, 1941

AN ACT to amend section 8 of the Copyright Act of March 4, 1909, as amended, so as to preserve the rights of authors during the present emergency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended, is hereby amended by striking out the period at the end of the section, inserting a colon and adding "*Provided*,", followed by the following paragraphs: "That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further*, That no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

President by proclamation may extend time to foreign authors for making copyright registration.

"The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require."

Proclamation may be terminated at any time.

Approved, September 25, 1941.

[77th Congress, 1st session.]

[PUBLIC LAW 281—80TH CONGRESS]
[CHAPTER 391—1ST SESSION]
[H. R. 2083]

AN ACT

To codify and enact into positive law title 17 of the United States Code, entitled "Copyrights".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17 of the United States Code entitled "Copyrights" is codified and enacted into positive law and may be cited as "Title 17, U. S. C., § —", as follows:

TITLE 17—COPYRIGHTS

Chap.		Sec.
1.	Registration of copyright	1
2.	Infringement proceedings	101
3.	Copyright Office	201

CHAPTER 1—REGISTRATION OF COPYRIGHTS

§ 1. Exclusive rights as to copyrighted works.
§ 2. Rights of author or proprietor of unpublished work.
§ 3. Protection of component parts of work copyrighted; composite works or periodicals.
§ 4. All writings of author included.
§ 5. Classification of works for registration.
§ 6. Registration of prints and labels.
§ 7. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.
§ 8. Copyright not to subsist in works in public domain, or published prior to July 1, 1909, and not already copyrighted, or Government publications; publication by Government of copyrighted material.
§ 9. Authors or proprietors, entitled; aliens.
§ 10. Publication of work with notice.
§ 11. Registration of claim and issuance of certificate.
§ 12. Works not reproduced for sale.
§ 13. Deposit of copies after publication; action or proceeding for infringement.
§ 14. Same; failure to deposit; demand; penalty.
§ 15. Same; postmaster's receipt; transmission by mail without cost.
§ 16. Mechanical work to be done in United States.
§ 17. Affidavit to accompany copies.
§ 18. Making false affidavit.
§ 19. Notice; form.
§ 20. Same; place of application of; one notice in each volume or number of newspaper or periodical.
§ 21. Same; effect of accidental omission from copy or copies.
§ 22. Ad interim protection of book published abroad.
§ 23. Same; extension to full term.
§ 24. Duration; renewal and extension.

§ 25. Renewal of copyrights registered in Patent Office under repealed law.
§ 26. Terms defined.
§ 27. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.
§ 28. Assignments and bequests.
§ 29. Same; executed in foreign country; acknowledgment and certificate.
§ 30. Same; record.
§ 31. Same; certificate of record.
§ 32. Same; use of name of assignee in notice.

§ 1. EXCLUSIVE RIGHTS AS TO COPYRIGHTED WORKS.—Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever; and

(e) To perform the copyrighted work publicly for profit if it be a musical composition; and for the purpose of public performance for profit, and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights. And as a condition of extending the copyright control to such mechanical reproductions, that whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require,

and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit. It shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand, the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this title, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

§ 2. RIGHTS OF AUTHOR OR PROPRIETOR OF UNPUBLISHED WORK.—Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

§ 3. PROTECTION OF COMPONENT PARTS OF WORK COPYRIGHTED; COMPOSITE WORKS OR PERIODICALS.—The copyright provided by this tile shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title.

§ 4. ALL WRITINGS OF AUTHOR INCLUDED.—The works for which copyright may be secured under this title shall include all the writings of an author.

§ 5. CLASSIFICATION OF WORKS FOR REGISTRATION.—The application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations.
(b) Periodicals, including newspapers.
(c) Lectures, sermons, addresses (prepared for oral delivery).
(d) Dramatic or dramatico-musical compositions.
(e) Musical compositions.
(f) Maps.
(g) Works of art; models or designs for works of art.

(h) Reproductions of a work of art.
(i) Drawings or plastic works of a scientific or technical character.
(j) Photographs.
(k) Prints and pictorial illustrations including prints or labels used for articles of merchandise.
(l) Motion-picture photoplays.
(m) Motion pictures other than photoplays.

The above specifications shall not be held to limit the subject matter of copyright as defined in section 4 of this title, nor shall any error in classification invalidate or impair the copyright protection secured under this title.

§ 6. REGISTRATION OF PRINTS AND LABELS.—Commencing July 1, 1940, the Register of Copyrights is charged with the registration of claims to copyright properly presented, in all prints and labels published in connection with the sale or advertisement of articles of merchandise, including all claims to copyright in prints and labels pending in the Patent Office and uncleared at the close of business June 30, 1940. There shall be paid for registering a claim of copyright in any such print or label not a trade-mark $6, which sum shall cover the expense of furnishing a certificate of such registration, under the seal of the Copyright Office, to the claimant of copyright.

§ 7. COPYRIGHT ON COMPILATIONS OF WORKS IN PUBLIC DOMAIN OR OF COPYRIGHTED WORKS; SUBSISTING COPYRIGHTS NOT AFFECTED.—Compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this title; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

§ 8. COPYRIGHT NOT TO SUBSIST IN WORKS IN PUBLIC DOMAIN, OR PUBLISHED PRIOR TO JULY 1, 1909, AND NOT ALREADY COPYRIGHTED, OR GOVERNMENT PUBLICATIONS; PUBLICATION BY GOVERNMENT OF COPYRIGHTED MATERIAL.—No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided*, That copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publications authorized by section 1 of the Act of June 27, 1938 (39 U. S. C. 371).

The publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

§ 9. AUTHORS OR PROPRIETORS, ENTITLED; ALIENS.—The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this

685 - 914 O - 63 - 8

title: *Provided, however*, That the copyright secured by this title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require: *Provided*, That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further*, That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require.

§ 10. PUBLICATION OF WORK WITH NOTICE.—Any person entitled thereto by this title may secure copyright for his work by publication thereof with the notice of copyright required by this title; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section 22 of this title.

§ 11. REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE.—Such person may obtain registration of his claim to copyright by complying with the provisions of this title, including the deposit of copies, and upon such compliance the Register of Copyrights shall issue to him the certificates provided for in section 209 of this title.

§ 12. Works Not Reproduced for Sale.—Copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 13 and 14 of this title, where the work is later reproduced in copies for sale.

§ 13. Deposit of Copies After Publication; Action or Proceeding for Infringement.—After copyright has been secured by publication of the work with the notice of copyright as provided in section 10 of this title, there shall be promptly deposited in the copyright office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 16 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 12 of this title, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with.

§ 14. Same; Failure to Deposit; Demand; Penalty.—Should the copies called for by section 13 of this title not be promptly deposited as provided in this title, the Register of Copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of $100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

§ 15. Same; Postmaster's Receipt; Transmission by Mail Without Cost.—The postmaster to whom are delivered the articles deposited as provided in sections 12 and 13 of this title shall, if requested, give

a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

§ 16. MECHANICAL WORK TO BE DONE IN UNITED STATES.—Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however*, That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this title, or to works printed or produced in the United States by any other process than those above specified in this section.

§ 17. AFFIDAVIT TO ACCOMPANY COPIES.—In the case of the book the copies so deposited shall be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photoengraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photoengraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

§ 18. MAKING FALSE AFFIDAVIT.—Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited.

§ 19. NOTICE; FORM.—The notice of copyright required by section 10 of this title shall consist either of the word "Copyright" or the

abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C enclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: "Entered according to Act of Congress, in the year ——, by A. B., in the office of the Librarian of Congress, at Washington"; or, at his option, the word "Copyright", together with the year the copyright was entered and the name of the party by whom it was taken out; thus, "Copyright, 19—, by A. B."

§ 20. SAME; PLACE OF APPLICATION OF; ONE NOTICE IN EACH VOLUME OR NUMBER OF NEWSPAPER OR PERIODICAL.—The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music. One notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

§ 21. SAME; EFFECT OF ACCIDENTAL OMISSION FROM COPY OR COPIES.—Where the copyright proprietor has sought to comply with the provisions of this title with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

§ 22. AD INTERIM PROTECTION OF BOOK PUBLISHED ABROAD.—In the case of a book first published abroad in the English language, the deposit in the copyright office, not later than sixty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of four months after such deposit in the copyright office.

§ 23. SAME; EXTENSION TO FULL TERM.—Whenever within the period of such ad interim protection an authorized edition of such books shall be published within the United States, in accordance

with the manufacturing provisions specified in section 16 of this title, and whenever the provisions of this title as to deposit of copies, registration, filing of affidavits, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the term provided in this title.

§ 24. DURATION; RENEWAL AND EXTENSION.—The copyright secured by this title shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

§ 25. RENEWAL OF COPYRIGHTS REGISTERED IN PATENT OFFICE UNDER REPEALED LAW.—Subsisting copyrights originally registered in the Patent Office prior to July 1, 1940, under section 3 of the act of June 18, 1874, shall be subject to renewal in behalf of the proprietor upon application made to the Register of Copyrights within one year prior to the expiration of the original term of twenty-eight years.

§ 26. TERMS DEFINED.—In the interpretation and construction of this title "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

§ 27. COPYRIGHT DISTINCT FROM PROPERTY IN OBJECT COPYRIGHTED; EFFECT OF SALE OF OBJECT, AND OF ASSIGNMENT OF COPYRIGHT.—The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright,

nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this title shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

§ 28. Assignments and Bequests.—Copyright secured under this title or previous copyright laws of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

§ 29. Same; Executed in Foreign Country; Acknowledgment and Certificate.—Every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

§ 30. Same; Record.—Every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

§ 31. Same; Certificate of Record.—The Register of Copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this title he shall furnish to any person requesting the same a certified copy thereof under the said seal.

§ 32. Same; Use of Name of Assignee in Notice.—When an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this title.

Chapter 2—Infringement Proceedings

§ 101. Infringement:
(a) Injunction.
(b) Damages and profits; amounts; other remedies.
(c) Impounding during action.
(d) Destruction of infringing copies and plates.
(e) Royalties for use of mechanical reproduction of musical works.
(f) Rules of procedure.
§ 102. Jurisdiction of courts in enforcing remedies.
§ 103. Joinder of proceedings for different remedies.
§ 104. Willful infringement for profit.
§ 105. Fraudulent notice of copyright, or removal or alteration of notice.
§ 106. Importation of article bearing false notice or piratical copies of copyrighted work.
§ 107. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 16 of this title.
§ 108. Forfeiture and destruction of articles prohibited importation.
§ 109. Importation of prohibited articles; regulations; proof of deposit of copies by complainants.
§ 110. Jurisdiction of actions under laws.
§ 111. District in which actions may be brought.
§ 112. Injunctions; service and enforcement.
§ 113. Transmission of certified copies of papers for enforcement of injunction by other court.

§ 114. Review of orders, judgments, or decrees.
§ 115. Limitation of criminal proceedings.
§ 116. Costs; attorney's fees.

§ 101. Infringement.—If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) Injunction.—To an injunction restraining such infringement;

(b) Damages and Profits; Amount; Other Remedies.—To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits, such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph, such damages shall not exceed the sum of $200 nor be less than the sum of $50, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of $100; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

First. In the case of a painting, statue, or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section 5 of this title, except a painting, statue, or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, $50 for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions $10 for every infringing performance;

(c) Impounding During Action.—To deliver up on oath, to be impounded during the pendency of the action, upon such terms and

conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) DESTRUCTION OF INFRINGING COPIES AND PLATES.—To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

(e) ROYALTIES FOR USE OF MECHANICAL REPRODUCTION OF MUSICAL WORKS.—Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this title: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), of this title, by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

(f) RULES OF PROCEDURE.—Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States.

§ 102. JURISDICTION OF COURTS IN ENFORCING REMEDIES.—Any court given jurisdiction under section 110 of this title may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

§ 103. JOINDER OF PROCEEDINGS FOR DIFFERENT REMEDIES.—The proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

§ 104. WILLFUL INFRINGEMENT FOR PROFIT.—Any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court: *Provided, however*, That nothing in this title shall be so construed as to prevent the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained

from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

§ 105. FRAUDULENT NOTICE OF COPYRIGHT, OR REMOVAL OR ALTERATION OF NOTICE.—Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of $100.

§ 106. IMPORTATION OF ARTICLE BEARING FALSE NOTICE OR PIRATICAL COPIES OF COPYRIGHTED WORK.—The importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

§ 107. IMPORTATION, DURING EXISTENCE OF COPYRIGHT, OF PIRATICAL COPIES, OR OF COPIES NOT PRODUCED IN ACCORDANCE WITH SECTION 16 OF THIS TITLE.—During the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section 16 of this title, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photoengraving process not performed within the limits of the United States, in accordance with the provisions of section 16 of this title, is prohibited: *Provided, however*, That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind.

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization.

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States.

Second. When imported by the authority or for the use of the United States.

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith by or for any society or institution incorporated for educational, literary, philo-

sophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States.

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this title, and such unlawful use shall be deemed an infringement of copyright.

§ 108. FORFEITURE AND DESTRUCTION OF ARTICLES PROHIBITED IMPORTATION.—Any and all articles prohibited importation by this title which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this title may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

§ 109. IMPORTATION OF PROHIBITED ARTICLES; REGULATIONS; PROOF OF DEPOSIT OF COPIES BY COMPLAINANTS.—The Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce individually or jointly such rules and regulations as shall prevent the importation into the United States of articles prohibited importation by this title, and may require, as conditions precedent to exclusion of any work in which copyright is claimed, the copyright proprietor or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such work to file with the Post Office Department or the Treasury Department a certificate of the Register of Copyrights that the provisions of section 13 of this title have been fully complied with, and to give notice of such compliance to postmasters or to customs officers at the ports of entry in the United States in such form and accompanied by such exhibits as may be deemed necessary for the practical and efficient administration and enforcement of the provisions of sections 106 and 107 of this title.

§ 110. JURISDICTION OF ACTIONS UNDER LAWS.—All actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the District Court of the United States for the District of Columbia, the district courts of Alaska, Hawaii, and Puerto Rico.

§ 111. DISTRICT IN WHICH ACTIONS MAY BE BROUGHT.—Civil actions, suits, or proceedings arising under this title may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

§ 112. INJUNCTIONS; SERVICE AND ENFORCEMENT.—Any such court or judge thereof shall have power, upon complaint filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

§ 113. TRANSMISSION OF CERTIFIED COPIES OF PAPERS FOR ENFORCEMENT OF INJUNCTION BY OTHER COURT.—The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

§ 114. REVIEW OF ORDERS, JUDGMENTS, OR DECREES.—The orders, judgments, or decrees of any court mentioned in section 110 of this title arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

§ 115. LIMITATIONS OF CRIMINAL PROCEEDINGS.—No criminal proceeding shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose.

§ 116. COSTS; ATTORNEY'S FEES.—In all actions, suits, or proceedings under this title, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

CHAPTER 3—COPYRIGHT OFFICE

§ 201. Copyright office; preservation of records.
§ 202. Register, assistant register, and subordinates.
§ 203. Same; deposit of moneys received; reports.
§ 204. Same; bond.
§ 205. Same; annual report.
§ 206. Seal of copyright office.
§ 207. Rules for registration of claims.
§ 208. Record books in copyright office.
§ 209. Certificates of registration; effect as evidence; receipt for copies deposited.
§ 210. Catalogs of copyright entries; effect as evidence.
§ 211. Same; distribution and sale; disposal of proceeds.
§ 212. Records and works deposited in copyright office open to public inspection; taking copies of entries.
§ 213. Disposition of articles deposited in office.
§ 214. Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works.
§ 215. Fees.

§ 201. COPYRIGHT OFFICE; PRESERVATION OF RECORDS.—All records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of

copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

§ 202. Register, Assistant Register, and Subordinates.—There shall be appointed by the Librarian of Congress a Register of Copyrights, and one Assistant Register of Copyrights, who shall have authority during the absence of the Register of Copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

§ 203. Same; Deposit of Moneys Received; Reports.—The Register of Copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this title, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

§ 204. Same; Bond.—The Register of Copyrights shall give bond to the United States in the sum of $20,000, in form to be approved by the General Counsel for the Department of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

§ 205. Same; Annual Report.—The Register of Copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this title.

§ 206. Seal of Copyright Office.—The seal used in the copyright office on July 1, 1909, shall be the seal of the copyright office, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

§ 207. Rules for Registration of Claims.—Subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this title.

§ 208. Record Books in Copyright Office.—The Register of Copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this title, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this title he shall make entry thereof.

§ 209. Certificate of Registration; Effect as Evidence; Receipt for Copies Deposited.—In the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and

address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section 17 of this title, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The Register of Copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after July 1, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

§ 210. CATALOG OF COPYRIGHT ENTRIES; EFFECT AS EVIDENCE.—The Register of Copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalog of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalog for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalog cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalog of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

§ 211. SAME; DISTRIBUTION AND SALE; DISPOSAL OF PROCEEDS.—The said printed current catalogs as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them, at a price to be determined by the register of copyrights for each part of the catalog, not exceeding $10 for the complete yearly catalog of copyright entries. The consolidated catalogs and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogs shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

§ 212. Records and Works Deposited in Copyright Office Open to Public Inspection; Taking Copies of Entries.—The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the Register of Copyrights and approved by the Librarian of Congress.

§ 213. Disposition of Articles Deposited in Office.—Of the articles deposited in the copyright office under the provisions of the copyright laws of the United States, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

§ 214. Destruction of Articles Deposited in Office Remaining Undisposed of; Removal of by Author or Proprietor; Manuscripts of Unpublished Works.—Of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the Register of Copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalog of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this title. No manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

§ 215. Fees.—The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this title, $2, which sum is to include a certificate of registration under seal: *Provided*, That in the case of any unpublished work registered under the provisions of section 12 of this title, the fee for registration with certificate shall be $1, and in the case of a published photograph the fee shall be $1 where a certificate is not desired. For every additional certificate of registration made, $1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), of this title, or for any copy of such assignment or license, duly certified, $2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section 1, subsection (e), of this title, $1 for each notice of not more than five titles. For comparing any copy of an assignment with the record

of such document in the copyright office and certifying the same under seal, $2. For recording the renewal of copyright provided for in section 24 of this title, $1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, $1 for each hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time.

SEC. 2. The following sections or parts thereof of the Revised Statutes and Statutes at Large covering provisions codified in this Act, insofar as such provisions appear in title 17, United States Code and supplements thereto, as shown by the appended table, are hereby repealed: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal:

Revised Statutes and Statutes at Large	Title 17, United States Code, section
Act Mar. 4, 1909, ch. 320, secs. 1, 64, 35 Stat. 1075, 1088	1
Act Mar. 4, 1909, ch. 320, sec. 2, 35 Stat. 1076	2
Act Mar. 4, 1909, ch. 320, sec. 3, 35 Stat. 1076	3
Act Mar. 4, 1909, ch. 320, sec. 4, 35 Stat. 1076	4
Acts Mar. 4, 1909, ch. 320, sec. 5, 35 Stat. 1076; Aug. 24, 1912, ch. 356, 37 Stat. 488; July 31, 1939, ch. 396, sec. 2, 53 Stat. 1142	5
Act Mar. 4, 1909, ch. 320, sec. 6, 35 Stat. 1077	6
Act Mar. 4, 1909, ch. 320, secs. 7, 64, 35 Stat. 1077, 1088	7
Acts Mar. 4, 1909, ch. 320, sec. 8, 35 Stat. 1077; Dec. 18, 1919, ch. 11, 41 Stat. 369; Sept. 25, 1941, ch. 421, 55 Stat. 732	8
Act Mar. 4, 1909, ch. 320, sec. 9, 35 Stat. 1077	9
Act Mar. 4, 1909, ch. 320, sec. 10, 35 Stat. 1078	10
Acts Mar. 4, 1909, ch. 320, sec. 11, 35 Stat. 1078; Aug. 24, 1912, ch. 356, 37 Stat. 488	11
Acts Mar. 4, 1909, ch. 320, sec. 12, 35 Stat. 1078; Mar. 28, 1914, ch. 47, sec. 1, 38 Stat. 311	12
Act Mar. 4, 1909, ch. 320, sec. 13, 35 Stat. 1078	13
Act Mar. 4, 1909, ch. 320, sec. 14, 35 Stat. 1078	14
Acts Mar. 4, 1909, ch. 320, sec. 15, 35 Stat. 1078; July 3, 1926, ch. 743, 44 Stat. 818	15
Act Mar. 4, 1909, ch. 320, sec. 16, 35 Stat. 1079	16
Act Mar. 4, 1909, ch. 320, sec. 17, 35 Stat. 1079	17
Acts June 18, 1874, ch. 301, sec. 1, 18 Stat. 78; Mar. 4, 1909, ch. 320, secs. 18, 64, 35 Stat. 1079, 1088	18
Act Mar. 4, 1909, ch. 320, sec. 19, 35 Stat. 1079	19
Act Mar. 4, 1909, ch. 320, sec. 20, 35 Stat. 1080	20
Acts Mar. 4, 1909, ch. 320, sec. 21, 35 Stat. 1080; Dec. 18, 1919, ch. 11, 41 Stat. 369	21
Act Mar. 4, 1909, ch. 320, sec. 22, 35 Stat. 1080	22
Acts Mar. 4, 1909, ch. 320, sec. 23, 35 Stat. 1080; Mar. 15, 1940, ch. 57, 54 Stat. 51	23
R. S., sec. 4953; Act Mar. 4, 1909, ch. 320, secs. 24, 64, 35 Stat. 1080, 1088	24
Acts Mar. 4, 1909, ch. 320, sec. 25, 35 Stat. 1081; Aug. 24, 1912, ch. 356, 37 Stat. 489	25
Act Mar. 4, 1909, ch. 320, sec. 26, 35 Stat. 1082	26
Act Mar. 4, 1909, ch. 320, sec. 27, 35 Stat. 1082	27
Act Mar. 4, 1909, ch. 320, sec. 28, 35 Stat. 1082	28
Act Mar. 4, 1909, ch. 320, sec. 29, 35 Stat. 1082	29
Act Mar. 4, 1909, ch. 320, sec. 30, 35 Stat. 1082	30
Act Mar. 4, 1909, ch. 320, sec. 31, 35 Stat. 1082	31
Act Mar. 4, 1909, ch. 320, sec. 32, 35 Stat. 1083	32

Revised Statutes and Statutes at Large—Continued

	Title 17, United States Code, section
Acts Mar. 4, 1909, ch. 320, sec. 33, 35 Stat. 1083; Apr. 11, 1940, ch. 81, 54 Stat. 106	33
Acts Mar. 4, 1909, ch. 320, sec. 34, 35 Stat. 1084; May 17, 1932, ch. 190, 47 Stat. 158; June 25, 1936, ch. 804, 49 Stat. 1921	34
Act Mar. 4, 1909, ch. 320, sec. 35, 35 Stat. 1084	35
Act Mar. 4, 1909, ch. 320, sec. 36, 35 Stat. 1084	36
Act Mar. 4, 1909, ch. 320, sec. 37, 35 Stat. 1084	37
Act Mar. 4, 1909, ch. 320, sec. 38, 35 Stat. 1084	38
Act, Mar. 4, 1909, ch. 320, sec. 39, 35 Stat. 1084	39
Act Mar. 4, 1909, ch. 320, sec. 40, 35 Stat. 1084	40
Act Mar. 4, 1909, ch. 320, sec. 41, 35 Stat. 1084	41
Act Mar. 4, 1909, ch. 320, sec. 42, 35 Stat. 1084	42
Act Mar. 4, 1909, ch. 320, sec. 43, 35 Stat. 1084	43
Act Mar. 4, 1909, ch. 320, sec. 44, 35 Stat. 1084	44
Act Mar. 4, 1909, ch. 320, sec. 45, 35 Stat. 1085	45
Act Mar. 4, 1909, ch. 320, sec. 46, 35 Stat. 1085	46
Act Mar. 4, 1909, ch. 320, sec. 47, 35 Stat. 1085	47
Acts Mar. 4, 1909, ch. 320, sec. 48, 35 Stat. 1085; Mar. 4, 1923, ch. 265, sec. 1, 42 Stat. 1488	48
Act Mar. 4, 1909, ch. 320, sec. 49, 35 Stat. 1085	49
Act Mar. 4, 1909, ch. 320, sec. 50, 35 Stat. 1085	50
Act Mar. 4, 1909, ch. 320, sec. 51, 35 Stat. 1085	51
Act Mar. 4, 1909, ch. 320, sec. 52, 35 Stat. 1085	52
Act Mar. 4, 1909, ch. 320, sec. 53, 35 Stat. 1085	53
Act Mar. 4, 1909, ch. 320, sec. 54, 35 Stat. 1086	54
Acts Mar. 4, 1909, ch. 320, secs. 55, 64, 35 Stat. 1086, 1088; Mar. 2, 1913, ch. 97, 37 Stat. 724	55
Act Mar. 4, 1909, ch. 320, sec. 56, 35 Stat. 1086	56
Acts Mar. 4, 1909, ch. 320, sec. 57, 35 Stat. 1086; May 23, 1928, ch. 704, sec. 1, 45 Stat. 713	57
Act Mar. 4, 1909, ch. 320, sec. 58, 35 Stat. 1086	58
Act Mar. 4, 1909, ch. 320, sec. 59, 35 Stat. 1087	59
Act Mar. 4, 1909, ch. 320, sec. 60, 35 Stat. 1087	60
Acts Mar. 4, 1909, ch. 320, sec. 61, 35 Stat. 1087; May 23, 1928, ch. 704, sec. 1, 45 Stat. 714	61
Act Mar. 4, 1909, ch. 320, sec. 62, 35 Stat. 1087	62
Act July 31, 1939, ch. 396, sec. 3, 53 Stat. 1142	64
Act July 31, 1939, ch. 396, sec. 4, 53 Stat. 1142	65
Act June 27, 1938, ch. 10, sec. 1 (last proviso), 52 Stat. 6	Title 39, U. S. C., sec. 371 (last proviso)

Approved July 30, 1947.

685 - 914 O - 63 - 9

[PUBLIC LAW 501—80TH CONGRESS]
[CHAPTER 236—2D SESSION]
[H. R. 4931]

AN ACT

To amend title 17 of the United States Code entitled "Copyrights."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 211 of title 17 of the United States Code, entitled "Copyrights", be amended to read as follows:

"SEC. 211. SAME; DISTRIBUTION AND SALE; DISPOSAL OF PROCEEDS.—The said printed current catalogs as they are issued shall be promptly distributed by the Superintendent of Documents to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised list of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the Register of Copyrights for each part of the catalog not exceeding $25 for the complete yearly catalog of copyright entries. The consolidated catalogs and indexes shall also be supplied to all persons ordering them at such prices as may be fixed by the Register of Copyrights, and all subscriptions for the catalogs shall be received by the Superintendent of Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time."

SEC. 2. Section 215 of said title 17 is amended to read as follows:

"SEC. 215. FEES.—The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees:

"For the registration of a claim to copyright in any work, except a print or label used for articles of merchandise, $4; for the registration of a claim to copyright in a print or label used for articles of merchandise, $6; which fees shall include a certificate of registration under seal for each work registered: *Provided*, That only one registration fee shall be required in the case of several volumes of the same book published and deposited at the same time.

"For recording the renewal of copyright and issuance of certificate therefor, $2.

"For every additional certificate of registration, $1.

"For certifying a copy of an application for registration of copyright, and for all other certifications, $2.

"For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, $3; for each additional page or less, 50 cents; for each title over one in the paper recorded, 50 cents additional.

"For recording a notice of use, $2, for each notice of not more than five titles; and 50 cents for each additional title.

"For any requested search of Copyright Office records, or works deposited, or services rendered in connection therewith, $3 for each hour of time consumed."

SEC. 3. This Act shall take effect thirty days after its enactment.

Approved April 27, 1948.

[PUBLIC LAW 773—80TH CONGRESS]
[CHAPTER 646—2D SESSION]
[H.R. 3214]

AN ACT

To revise, codify, and enact into law title 28 of the United States Code, entitled "Judicial Code and Judiciary".

Section 39 of this Act, approved June 25, 1948 (62 Stat. 869) repealed sections 101(f), 102, 103, 110 and 111 of title 17 of the United States Code, entitled "Copyrights".

[PUBLIC LAW 84—81ST CONGRESS]
[CHAPTER 171—1ST SESSION]
[H. R. 2285]

AN ACT

To amend title 17 of the United States Code entitled "Copyrights", with respect to relaxation of provisions governing copyright of foreign works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of title 17, United States Code, is amended to read as follows:

"§ 16. MECHANICAL WORK TO BE DONE IN UNITED STATES.—Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book or periodical of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however*, That said requirements shall not apply to works in raised characters for the use of the blind, or to books or periodicals of foreign origin in a language or languages other than English, or to works printed or produced in the United States by any other process than those above specified in this section, or to copies of books or periodicals, of foreign origin, in the English language, imported into the United States within five years after first publication in a foreign state or nation up to the number of fifteen hundred copies of each such book or periodical if said copies shall contain notice of copyright in accordance with sections 10, 19, and 20 of this title and if ad interim copyright in said work shall have been obtained pursuant to section 22 of this title prior to the importation into the United States of any copy except those permitted by the provisions of section 107 of this title: *Provided further*, That the provisions of this section shall not affect the right of importation under the provisions of section 107 of this title, nor the extension of time within which to comply with conditions and formalities granted by Presidential proclamation, No. 2608, of March 14, 1944."

SEC. 2. That section 22 of title 17, United States Code, is amended to read as follows:

"§ 22. AD INTERIM PROTECTION OF BOOK OR PERIODICAL PUBLISHED ABROAD.—In the case of a book or periodical first published abroad in the English language, the deposit in the Copyright Office, not later than six months after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book or periodical, shall secure to the author or proprietor an ad interim copyright therein, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of five years after the date of first publication abroad."

SEC. 3. That section 23 of title 17, United States Code, is amended to read as follows:

"§ 23. SAME; EXTENSION TO FULL TERM.—Whenever within the period of such ad interim protection an authorized edition of such books or periodicals shall be published within the United States, in accordance with the manufacturing provisions specified in section 16 of this title, and whenever the provisions of this title as to deposit of copies, registration, filing of affidavits, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book or periodical for the term provided in this title."

SEC. 4. That the second paragraph of section 215 of title 17, United States Code, is amended by striking out the period at the end thereof, inserting a colon in lieu thereof, and adding the following new provisions: "*And provided further*, That with respect to works of foreign origin, in lieu of payment of the copyright fee of $4 together with one copy of the work and application, the foreign author or proprietor may at any time within six months from the date of first publication abroad deposit in the Copyright Office an application for registration and two copies of the work which shall be accompanied by a catalog card in form and content satisfactory to the Register of Copyrights."

SEC. 5. The analysis of chapter 1 of said title 17, United States Code, is amended by striking out the item reading: "22. Ad interim protection of book published abroad.", and inserting in lieu thereof: "22. Ad interim protection of book or periodical published abroad.".

Approved June 3, 1949.

Sections 16, 17, and 17a of the Act of Congress approved October 31, 1951 (65 Stat. 710) provide for the following changes in Title 17 of the United States Code, entitled "Copyrights"

Sec. 16. (a) The first sentence of section 3 of Title 17, United States Code, entitled "Copyrights", is amended by striking out "tile" appearing in such sentence, and in lieu thereof inserting "title", so that such sentence will read as follows:

"The copyright provided by this title shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright.".

(b) The first paragraph of section 8 of Title 17, United States Code, is amended by striking out the word "June" appearing near the end of such paragraph, and in lieu thereof inserting "January", so that such paragraph will read as follows:

"No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: Provided, That copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publications authorized by section 1 of the Act of January 27, 1938 (39 U.S.C. 371).".

(c) Section 112 of Title 17, United States Code, is amended by striking out, near the beginning of the first sentence in such section, the words "such court", and in lieu thereof inserting "court mentioned in section 1338 of Title 28", so that such section will read as follows:

"§ 112. Injunctions; service and enforcement

"Any court mentioned in section 1338 of Title 28 or judge thereof shall have power, upon complaint filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.".

Sec. 17. Section 114 of Title 17, United States Code, is amended by striking out the reference "110 of this title", appearing in such section, and in lieu thereof inserting "1338 of Title 28", so that such section 114 will read as follows:

"§ 114. Review of orders, judgments, or decrees

"The orders, judgments, or decrees of any court mentioned in section 1338 of Title 28 arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.".

Sec. 17a. The analysis of chapter 2 of Title 17, United States Code, immediately preceding section 101 of such title, is amended by striking out the following five items:

"101. (f) Rules of procedure.
"102. Jurisdiction of courts in enforcing remedies.
"103. Joinder of proceedings for different remedies.
"110. Jurisdiction of actions under laws.
"111. District in which actions may be brought."

Public Law 575 - 82d Congress
Chapter 923 - 2d Session
H. R. 3589

AN ACT

All 66 Stat. 752.

To amend title 17 of the United States Code entitled "Copyrights" with respect to recording and performing rights in literary works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 1 of title 17, United States Code, is amended to read as follows:

Title 17, U.S. Code, amendment.
61 Stat. 653.

"(c) To deliver, authorize the delivery of, read, or present the copyrighted work in public for profit if it be a lecture, sermon, address or similar production, or other nondramatic literary work; to make or procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, delivered, presented, produced, or reproduced; and to play or perform it in public for profit, and to exhibit, represent, produce, or reproduce it in any manner or by any method whatsoever. The damages for the infringement by broadcast of any work referred to in this subsection shall not exceed the sum of $100 where the infringing broadcaster shows that he was not aware that he was infringing and that such infringement could not have been reasonably foreseen; and".

Literary works.
Recording and performing rights.

SEC. 2. This Act shall take effect on the 1st day of January 1953.

Effective date.

Approved July 17, 1952.

Public Law 331 - 83d Congress
Chapter 137 - 2d Session
H. R. 2747

AN ACT

To amend title 17 of the United States Code entitled "Copyrights" with respect to the day for taking action when the last day for taking such action falls on Saturday, Sunday, or a holiday.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17, United States Code, is hereby amended by adding at the end thereof a new section 216 to read as follows:

Copyright Office.

"§ 216. When the day for taking action falls on Saturday, Sunday, or a holiday.

68 Stat. 52.
68 Stat. 53.

"When the last day for making any deposit or application, or for paying any fee, or for delivering any other material to the Copyright Office falls on Saturday, Sunday, or a holiday within the District of Columbia, such action may be taken on the next succeeding business day."

SEC. 2. The table of contents of chapter 3 of title 17 of the United States Code is amended by adding at the end thereof "216. When the day for taking action falls on Saturday, Sunday, or a holiday."

61 Stat. 665.

Approved April 13, 1954.

Public Law 743 - 83d Congress
Chapter 1161 - 2d Session
H. R. 6616

AN ACT

To amend title 17, United States Code, entitled "Copyrights".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of title 17, United States Code, is amended to read as follows: Copyrights. 61 Stat. 655.

"§ 9. Authors or proprietors, entitled: aliens

"The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this title: *Provided, however*, That the copyright secured by this title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only under the conditions described in subsections (a), (b), or (c) below: Works of aliens.

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

"The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require: *Provided*, That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad interim copyright, 68 Stat. 1030. 68 Stat. 1031. are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further*, That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

"The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require.

"(c) When the Universal Copyright Convention, signed at Geneva on September 6, 1952, shall be in force between the United States of America and the foreign state or nation of which such author is a citizen or subject, or in which the work was first published. Any work Universal Copyright Convention.

to which copyright is extended pursuant to this subsection shall be exempt from the following provisions of this title: (1) The requirement in section 1 (e) that a foreign state or nation must grant to United States citizens mechanical reproduction rights similar to those specified therein; (2) the obligatory deposit requirements of the first sentence of section 13; (3) the provisions of sections 14, 16, 17, and 18; (4) the import prohibitions of section 107, to the extent that they are related to the manufacturing requirements of section 16; and (5) the requirements of sections 19 and 20: *Provided, however*, That such exemptions shall apply only if from the time of first publication all the copies of the work published with the authority of the author or other copyright proprietor shall bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

61 Stat. 653.
61 Stat. 656.
61 Stat. 657, 658, 663, infra.
61 Stat. 658;

"Upon the coming into force of the Universal Copyright Convention in a foreign state or nation as hereinbefore provided, every book or periodical of a citizen or subject thereof in which ad interim copyright was subsisting on the effective date of said coming into force shall have copyright for twenty-eight years from the date of first publication abroad without the necessity of complying with the further formalities specified in section 23 of this title.

63 Stat. 154.

"The provisions of this subsection shall not be extended to works of an author who is a citizen of, or domiciled in the United States of America regardless of place of first publication, or to works first published in the United States."

61 Stat. 657.

SEC. 2. Section 16 of title 17, United States Code, is amended to read as follows:

Printing in U. S.

"§ 16. Mechanical work to be done in United States

"Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book or periodical of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however*, That said requirements shall not apply to works in raised characters for the use of the blind, or to books or periodicals of foreign origin in a language or languages other than English, or to works printed or produced in the United States by any other process than those above specified in this section, or to copies of books or periodicals, first published abroad in the English language, imported into the United States within five years after first publication in a foreign state or nation up to the number of fifteen hundred copies of each such book or periodical if said copies shall contain notice of copyright in accordance with sections 10, 19, and 20 of this title and if ad interim copyright in said work shall have been obtained pursuant to section 22 of this title prior to the importation into the United

61 Stat. 654.
68 Stat. 1031.
68 Stat. 1032.
61 Stat. 656, 658; infra.
63 Stat. 154.

States of any copy except those permitted by the provisions of section 107 of this title: *Provided further*, That the provisions of this section shall not affect the right of importation under the provisions of section 107 of this title." 61 Stat. 663.

SEC. 3. Section 19 of title 17, United States Code, is amended to read as follows: 61 Stat. 658.

"§ 19. Notice; form

Notice of copyright.

"The notice of copyright required by section 10 of this title shall consist either of the word 'Copyright', the abbreviation 'Copr.', or the symbol ©, accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C enclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: 'Entered according to Act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington, D. C.,' or, at his option, the word 'Copyright', together with the year the copyright was entered and the name of the party by whom it was taken out; thus, 'Copyright, 19—, by A. B.' " 61 Stat. 656. 61 Stat. 654.

SEC. 4. This Act shall take effect upon the coming into force of the Universal Copyright Convention in the United States of America.* Effective date.

Approved August 31, 1954.

*The U.C.C. came into force on September 16, 1955.

Public Law 452 - 84th Congress
Chapter 109 - 2d Session
H. R. 5876

AN ACT

To amend the copyright law to permit, in certain classes of works, the deposit of photographs or other identifying reproductions in lieu of copies of published works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of title 17, United States Code, is amended to read as follows: Copyrights. 61 Stat. 656.

"§ 13. Deposit of copies after publication; action or proceeding for infringement

"After copyright has been secured by publication of the work with the notice of copyright as provided in section 10 of this title, there shall be promptly deposited in the Copyright Office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 16 of this title; or if such work be a 61 Stat. 657. contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work belongs to a class specified in subsections (g), (h), (i) or (k) of section 5 of this title, and if the Register of Copy- 61 Stat. 654. rights determines that it is impracticable to deposit copies because of their size, weight, fragility, or monetary value he may permit the deposit of photographs or other identifying reproductions in lieu of 70 Stat. 63. copies of the work as published under such rules and regulations as 70 Stat. 64. he may prescribe with the approval of the Librarian of Congress; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 12 of this title, such copies or copy, print, 61 Stat. 656. photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with."

Approved March 29, 1956.

Public Law 85-313
85th Congress, H. R. 277
September 7, 1957

AN ACT

71 Stat. 633.

To amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 115 of title 17, United States Code, is hereby amended to read as follows:

Copyrights.
Civil actions.
61 Stat. 652.

"§ 115. Limitations

"(a) CRIMINAL PROCEEDINGS.—No criminal proceedings shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose.

"(b) CIVIL ACTIONS.—No civil action shall be maintained under the provisions of this title unless the same is commenced within three years after the claim accrued."

SEC. 2. The amendments made by this Act shall take effect one year after the date of enactment of this Act and shall apply to all actions commenced on or after such effective date.

SEC. 3. The chapter analysis of chapter 2 of title 17 preceding section 101 is amended by striking out

"'115. Limitation of criminal proceedings'

and inserting

"'115. Limitations'".

Approved September 7, 1957.

Public Law 87-646
87th Congress, H. R. 10432
September 7, 1962

An Act

To amend title 39, United States Code, to codify certain recent public laws relating to the postal service and to improve the Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That . . . .

76 STAT. 442.

. . . .

SEC. 21. The first paragraph of section 8 of title 17, United States Code, as amended, is further amended to read as follows: Copyrights. 65 Stat. 716.

"No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof, except that the Postmaster General may secure copyright on behalf of the United States in the whole or any part of the publications authorized by section 2506 of title 39." 74 Stat. 606.

. . . .

SEC. 23. (a) This Act shall become effective on November 1, 1962. Effective date.

. . . .

Approved September 7, 1962.

Public Law 87-668
87th Congress, H. J. Res. 627
September 19, 1962

Joint Resolution

76 STAT. 555.

Extending the duration of copyright protection in certain cases.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution would expire prior to December 31, 1965, such term is hereby continued until December 31, 1965. Copyright term. Extension.

Approved September 19, 1962.

V. APPENDIX.

Parallel Reference Tables Showing Disposition of Sections of Act of March 4, 1909, as Amended, in Title 17, United States Code

Act of Mar. 4, 1909, as amended	Title 17, U. S. C.	Act of Mar. 4, 1909, as amended	Title 17, U. S. C.	Title 17, U. S. C.	Act of Mar. 4, 1909, as amended	Title 17, U. S. C.	Act of Mar. 4, 1909, as amended
1	1	33	109	1	1	[1] 101	25
2	2	34	[1] 110	2	2	[1] 102	26
3	3	35	[1] 111	3	3	[1] 103	27
4	4	36	112	4	4	104	28
5	5	37	113	5	5	105	29
6	7	38	114	6	([2])	106	30
7	8	39	115	7	6	107	31
8	9	40	116	8	[3] 7	108	32
9	10	41	27	9	8	109	33
10	11	42	28	10	9	[1] 110	34
11	12	43	29	11	10	[1] 111	35
12	13	44	30	12	11	112	36
13	14	45	31	13	12	113	37
14	15	46	32	14	13	114	38
15	16	47	201	15	14	115	39
16	17	48	202	16	15	116	40
17	18	49	203	17	16	201	47
18	19	50	204	18	17	202	48
19	20	51	205	19	18	203	49
20	21	52	206	20	19	204	50
21	22	53	207	21	20	205	51
22	23	54	208	22	21	206	52
23	24	55	209	23	22	207	53
24	Omitted	56	210	24	23	208	54
25	[1] 101	57	211	25	([4])	209	55
26	[1] 102	58	212	26	62	210	56
27	[1] 103	59	213	27	41	211	57
28	104	60	214	28	42	212	58
29	105	61	215	29	43	213	59
30	106	62	26	30	44	214	60
31	107	63	Omitted	31	45	215	61
32	108	64	Omitted	32	46		

[1] Sections 101 (f), 102, 103, 110 and 111 were repealed by the Act of June 25, 1948 (62 Stat. 869).
[2] This was § 3 of Act of July 31, 1939 (53 Stat. 1142).
[3] A portion of § 1 of Act of Jan. 27, 1938 (52 Stat. 6) is also included.
[4] This was § 4 of the Act of July 31, 1939 (53 Stat. 1142).

Section 8 of the Act of Congress approved March 4, 1909 (35 Stat. 1077) as amended by the Act of Congress approved December 18, 1919 (41 Stat. 368)*

Sec. 8. That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: Provided, however, That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign State or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign State or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require: Provided, however, That all works made the subject of copyright by the laws of the United States first produced or published abroad after August 1, 1914, and before the date of the President's proclamation of peace, of which the authors or proprietors are citizens or subjects of any foreign State or nation granting similar protection for works by citizens of the United States, the existence of which shall be determined by a copyright proclamation issued by the President of the United States, shall be entitled to the protection conferred by the copyright laws of the United States from and after the accomplishment, before the expiration of fifteen months after the date of the President's proclamation of peace, of the conditions and formalities prescribed with respect to such works by the copyright laws of the United States: Provided, further, That nothing herein contained shall be construed to deprive any person of any right which he may have acquired by the republication of such foreign work in the United States prior to the approval of this Act.

---

*See page 93 of this compilation.

685 - 914 O - 63 - 10

Copyright in Territories and Insular Possessions of the United States

ALASKA

Section 3 of the Act of August 24, 1912, entitled "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," provides in part:

> "That the Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States; * * *" (Aug. 24, 1912, ch. 387, § 3, 37 Stat. 512; 48 U. S. C., 1946 ed., § 23.)

CANAL ZONE

Title 3, Chapter 18, Section 391 of the Canal Zone Code (approved June 19, 1934) provides:

> "The patent, trade-mark, and copyright laws of the United States shall have the same force and effect in the Canal Zone as in continental United States, and the district court is given the same jurisdiction in actions arising under such laws as is exercised by United States district courts."

NOTE.—Section 1 of the Act of June 19, 1934, entitled "An Act to establish a Code of Laws for the Canal Zone, and for other purposes," provides in part that it shall "* * * for all purposes, establish conclusively, and be deemed to embrace, all the permanent laws relating to or applying in the Canal Zone in force on the date of enactment of this Act, except such general laws of the United States as relate to or apply in the Canal Zone. * * *" (June 19, 1934, ch. 667, § 1, 48 Stat. 1122.)

The Canal Zone Code is printed as a separate document and does not appear in the Statutes at Large. The above provision does appear in substance, however, in 47 Stat. 1159, as § 246 of the Act of Feb. 27, 1933, entitled "An Act to provide a new civil code for the Canal Zone and to repeal the existing civil code."

HAWAII

Section 7 of the Act of April 30, 1900 (31 Stat. 142), entitled "An Act to provide a government for the Territory of Hawaii," expressly repealed the Hawaiian copyright law.

Section 5 (a) of the same Act, as amended, provides in part:

"That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: * * *" (April 30, 1900, ch. 339, § 5, 31 Stat. 141; May 27, 1910, ch. 258, § 1, 36 Stat. 443; Apr. 12, 1930, ch. 136, § 5 (a), 46 Stat. 160; June 6, 1932, ch. 209, § 116 (b), 47 Stat. 205; 48 U. S. C., 1946 ed., § 495.)

PUERTO RICO

Section 14 of the Act of April 12, 1900, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," as continued in effect by the Act of March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes," and as amended, provides in part:

"That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, * * *" (Apr. 12, 1900, ch. 191, § 14, 31 Stat. 80; Mar. 2, 1917, ch. 145, § 9, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158; Apr. 30, 1946, ch. 244, Title V, § 513, 60 Stat. 158; 48 U. S. C., 1946 ed., § 734.)

NOTE.—The Act of May 17, 1932 (47 Stat. 158) changed the name of the island from Porto Rico to Puerto Rico.

VIRGIN ISLANDS

Section 18 of the Act of June 22, 1936, entitled "An Act to provide a civil government for the Virgin Islands of the United States," provides in part:

"The laws of the United States applicable to the Virgin Islands on the date of enactment of this Act, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this Act, shall continue in force and effect: * * * The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by United States district courts." (June 22, 1936, ch. 699, § 18, 49 Stat. 1811; 48 U. S. C., 1946 ed., § 1405q.)

MASSACHUSETTS BAY COLONY. 1672, May 15.

[The Records of the Company of the Massachusetts Bay in New England.]
Att a Generall Court for Elections, held at Boston, 15th day of May, 1672.

* * * * * * *

In ans^{r} to the petition of John Vsher, the Court judgeth it meete to order, & be it by this Court ordered & enacted, that no printer shall print any more coppies then are agreed & pajd for by the ouner of the sajd coppie or coppies, nor shall he nor any other reprint or make sale of any of the same, wthout the sajd owners consent, vpon the forfeiture and pœnalty of treble the whole charges of printing, & paper, &c, of the whole quantity payd for by the ouner of the coppie, to the sajd ouner or his assignes.

In "Records of the Governor and Company of the Massachusetts Bay in New England. Printed by order of the Legislature. Edited by Nathaniel B. Shurtleff." Vol. 4, part 2. 1661-1674. 4^{o}. Boston, W: White, 1854, pp. 506, 527.

INDEX

(The references are to year, page, and section. Section when given, is separated from page by a diagonal.)

Abridgments. See New versions.
Ad interim copyright:
Extension of time for filing (1919) 137/8(b); (1941) 101/8; (1947) 106/9(b); (1954) 128, 129/216, 9(b).
How secured, duration and extension (1909) 72/21,22; (1919) 93/21; (1947) 109/22,23; (1949) 125/22,23.
Notice of copyright (1909) 68/9; (1947) 106/10; (1949) 124/16.
Quantitative importation quota (1949) 124/16; (1954) 130/16.
Reservation of copyright, book in foreign language (1905) 62/4952.
Reservation of copyright, Louisiana Purchase Exposition (1904) 61/5.
See also Duration, renewal and extension of copyright; Manufacturing provisions.
Adaptations. See Musical composition; New versions.
Addresses. See Works prepared for oral delivery.
Administrators. See Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Affidavit of American manufacture. See Manufacturing provisions; Penalties.
Alaska, applicability of U.S. copyright laws in, 138.
Alien author may secure copyright, conditions (1909) 68/8; (1919) 137/8; (1947) 105,106/9; (1954) 129/9.
American manufacture. See Manufacturing provisions.
Anonymous works. See Duration, renewal and extension of copyright.
Arrangements. See Musical compositions; New versions.
Art, Works of:
May be copyrighted (1870) 36/86; (1870) 38/97; (1873) 44/4952; (1891) 49/1; (1904) 61/7; (1905) 62/4952; (1909) 67/5(g)(h); (1912) 87/5(g)(h); (1947) 104,105/5(g)(h).
See also Copyright deposits.
Assignment of copyright:
Bequests; Mortgages (1909) 80/42; (1947) 111/28.
By instrument of writing (1870) 37/89; (1873) 44/4955; (1909) 80/42; (1947) 111/28.
Distinct from sale of copyrighted object (1909) 80/41; (1947) 110/27.
Executed outside U.S. (1909) 80,81/43,44; (1947) 111/29,30.
Failure to record (1834) 31/1; (1870) 37/89; (1873) 44/4955; (1909) 81/44; (1947) 111/30.
Shall be recorded (S.C., 1784) 11; (1834) 31/1; (1870) 37/89; (1873) 44/4955; (1909) 81/44; (1947) 111/30; (1954) 128/216.
Substitution of assignee's name in notice (1909) 81/46; (1947) 111/32.
Assigns:
Entitled to secure copyright (Conn., 1783) 1; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (Pa. 1784) 11/5; (S.C., 1784) 11; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1790) 22/1; (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 68/8; (1919) 137/8; (1947) 105/9; (1954) 129/9.
Recommended as copyright beneficiaries (1783) 1.
See also Duration, renewal and extension of copyright; Persons entitled to secure copyright.

Author:
Common-law right (1909) 66/2; (1947) 104/2.
Entitled to secure copyright (Conn., 1783) 1; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa. 1784) 10/3; (Pa., 1784) 11/5; (S.C., 1784) 11; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1790) 22/1; (1802) 25/2; (1831) 27/1, 2; (1856) 33; (1865) 34/1; (1870) 36/86; (1870) 37/88; (1873) 44/4952, 4954; (1891) 49/1; (1891) 50/2; (1904) 60/1; (1904) 61/7; (1905) 62; (1909) 68/8; (1909) 73/23; (1909) 74/24; (1947) 105/9; (1947) 110/24; (1954) 129/9.
Name of, required to be printed on work (Mass., 1783) 4; (N.H., 1783) 8; (R.I. 1783) 9.
See also Definitions; Duration, renewal and extension of copyright; Persons entitled to secure copyright; Reciprocal copyright provisions.

Beneficiaries. See Persons entitled to secure copyright.
Bequests. See Assignment of copyright.
Binding of books. See Manufacturing provisions.
Blind, works for the. See Importation provisions; Manufacturing provisions.
Books:
Each volume of, requires separate entry (1891) 53/11.
May be copyrighted (Conn., 1783) 1; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (S.C., 1784) 11; (N.C. 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1790) 22/1; (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1891) 52/5; (1904) 60/1; (1905) 62/4952; (1909) 66/5(a); (1912) 87/5(a); (1947) 104/5(a).
One registration sufficient for several volumes if deposited at same time (1909) 85/61; (1928) 95/61; (1947) 119/215; (1948) 122/215.
See also Ad interim copyright; Copyright deposits; Definitions; Importation provisions; Manufacturing provisions.

Canal Zone, applicability of U.S. copyright laws in, 138.
Catalog of copyright entries:
In general (1909) 83/56, 57; (1909) 84/60; (1928) 95/57; (1947) 118/210, 211; (1947) 119/214; (1948) 122/211.
Catalog card, in lieu of fee (1949) 125/215.
Catalog of title entries (1891) 51/4; (1904) 60/3.
Certificate of registration. See Copyright registration and certificate.
Charitable or educational performances of music. See Musical compositions.
Charts (Conn., 1783) 2; (N.C., 1785) 15/1; (Ga., 1786) 17/1; (1790) 22/1; (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952.
Children of the author. See Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Chromos:
May be copyrighted (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952.
See also Copyright deposits; Importation provisions; Manufacturing provisions.
Citizenship of author. See Persons entitled to secure copyright; Reciprocal copyright provisions.
Claim of copyright. See Notice of copyright.
Claimant of copyright. See Notice of copyright; Persons entitled to secure copyright.
Coin-operated machines, reproduction of music upon. See Musical composition.
Colonial Congress. See Continental Congress.
Commercial prints and labels. See Manufacturing provisions; Prints.
Common-law right (Conn., 1783) 3; (Ga., 1786) 18/4; (N.Y., 1786) 20/4; (1856) 33; (1909) 66/2; (1947) 104/2.
Compilations. See Books.
Composite works (1909) 66/3, 5(a); (1909) 73/23; (1912) 87/5(a); (1947) 104/3, 5(a); (1947) 110/24.
See also Books; Duration, renewal and extension of copyright.
Connecticut, copyright act (1783) 1.
Constitutional provision regarding copyright (1787) 21.
Continental Congress. Resolution recommending States to pass copyright laws (1783) 1.
Contributions to periodicals. See Copyright deposits; Periodicals.

Copies. See Copyright deposits.
Copyright acts of the original States (Conn., Jan. sess. 1783) 1; (Md., Apr. 21, 1783) 5; (Mass., Mar. 17, 1783) 4; (N.H., Nov. 7, 1783) 8; (N.J., May 27, 1783) 6; (R.I., Dec. sess. 1783) 9; (Pa., Mar. 15, 1784) 10; (S.C., Mar. 26, 1784) 11; (N.C., Nov. 19, 1785) 15; (Va., Oct. 1785) 14; (Ga., Feb. 3, 1786) 17; (N.Y., Apr. 29, 1786) 19; (Delaware, passed no law) 21.
Copyright acts of the United States (May 31, 1790) 22; (Apr. 29, 1802) 24; (Feb. 15, 1819) 26; (Feb. 3, 1831) first general revision, 27; (June 30, 1834) 31; (Aug. 10, 1846) 32; (Mar. 3, 1855) 32; (Aug. 18, 1856) 33; (Feb. 5, 1859) 33; (Feb. 18, 1861) 34; (Mar. 3, 1865) 34; (Feb. 18, 1867) 35; (July 8, 1870) second general revision, 36; (June 8, 1872) 42; (Dec. 1, 1873) Revised Statutes, 43; (June 18, 1874) 47; (Mar. 3, 1879) 48; (Aug. 1, 1882) 49; (Mar. 3, 1891) 49; (Feb. 9, 1893) 54; (Mar. 3, 1893) 54; (Jan. 12, 1895) 55; (Mar. 2, 1895) 55; (Jan. 6, 1897) 56; (Feb. 19, 1897) 57; (Mar. 3, 1897) 58; (Apr. 17, 1900) 59; (Jan. 7, 1904) 60; (Mar. 3, 1905) 62; (Mar. 4, 1909) third general revision, 64; (Aug. 24, 1912) 87; (Mar. 2, 1913) 90; (Mar. 28, 1914) 91; (Dec. 18, 1919) 93, 137; (July 3, 1926) 93; (May 23, 1928) 95; (Jan. 27, 1938) 96; (July 31, 1939) 99; (Mar. 15, 1940) 100; (Apr. 11, 1940) 100; (Sept. 25, 1941) 101; (July 30, 1947) Title 17, U.S.C., 102; (Apr. 27, 1948) 122; (June 25, 1948) 123; (June 3, 1949) 124; (Oct. 31, 1951) 126; (July 17, 1952) 127; (Apr. 13, 1954) 128; (Aug. 31, 1954) 129; (Mar. 29, 1956) 132; (Sept. 7, 1957) 133; (Sept. 7, 1962) 134; (Sept. 19, 1962) 135.
Copyright claimant. See Notice of copyright; Persons entitled to secure copyright.
Copyrights, constitutional provision (1787) 21.
Copyright deposits:
Claim of copyright to accompany deposits (1909) 69/12; (1914) 91/12; (1947) 197/12, 13; (1956) 132/13.
Copies (Mass., 1783) 4; (N.C., 1785) 15/1; (1790) 24/4; (1831) 28/4; (1846) 32/10; (1865) 34/2; (1865) 35/4; (1870) 37/90; (1870) 38/93; (1873) 44/4956; (1873) 45/4959; (1874) 48/3; (1891) 50/3; (1891) 52/5; (1893) 54; (1904) 60/1, 2; (1904) 61/6, 7; (1905) 62/4952; (1909) 68/11; (1909) 69/12; (1909) 72/21; (1912) 87/11; (1914) 91/12; (1919) 93/21; (1947) 106/9(b); (1947) 107/12, 13; (1947) 109/22; (1949) 125/22; (1954) 128, 129/216, 9(b); (1956) 132/13.
Copies transmitted free by mail (1855) 32/5; (1865) 34/2; (1867) 35/2; (1870) 38/95; (1872) 42/184; (1909) 70/14; (1947) 107/15.
Disposition, transfer or destruction of deposits (1831) 28/4; (1859) 33/8; (1870) 36/85; (1870) 40/109, 110; (1909) 84/59, 60; (1947) 119/213, 214.
Failure to deposit copies (1865) 35/3; (1867) 35/1; (1870) 38/94; (1873) 45/4960; (1909) 69/13; (1947) 107/14.
Photographs or other reproductions for certain classes, in lieu of (1956) 132/13.
Printed title (1790) 23/3; (1831) 28/4; (1870) 37/90; (1873) 44/4956; (1891) 50/3; (1905) 62/4952.
Published works (1831) 27/1, 28/4; (1870) 37/90; (1873) 44/4951; (1891) 50/4956; (1905) 62/4952; (1909) 69/12; (1914) 91/12; (1947) 107/13; (1956) 132/13.
Receipt for copies (1785) 15/1; (1865) 34/2; (1867) 35/2; (1870) 38/96; (1873) 46/4961; (1909) 70/14; (1909) 82/55; (1913) 90/55; (1947) 107/15; (1947) 117/209.
Two copies and catalog card, in lieu of fee and one copy (1949) 125/215.
Copyright fees. See Fees.
Copyright notice. See Notice of copyright.
Copyright Office:
Establishment of (1897) 57.
See also Register of Copyrights.
Copyright registration and certificate (Conn., 1783) 1; (Md., 1783) 6/3; (N.J., 1783) 7/1; (Pa., 1784) 10/4; (Pa., 1784) 11/6; (S.C., 1784) 13; (N.C., 1785) 15/1; (Va., 1785) 15/2; (Ga., 1786) 17; (N.Y., 1786) 19/1; (1790) 23/3; (1802) 24/1; (1802) 25/2; (1831) 28/4; (1870) 37/91; (1873) 45/4957; (1904) 60/3; (1909) 68/10; (1909) 82/55; (1913) 90/55; (1947) 106/11; (1947) 117/209.
Copyright, resolution of Continental Congress (1783) 1.

Copyrightable subject matter:
Error in classification does not invalidate copyright (1909) 66/5; (1912) 87/5; (1947) 104/5.
In general (Conn., 1783) 2; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (S.C., 1784) 11; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1790) 22/1; (1802) 25/2; (1831) 27/1; (1856) 33; (1865) 34/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 66, 67/4–7; (1912) 87/5; (1939) 99/5(k); (1947) 104, 5/4–8; (1962) 134/8.
Corporate body, work copyrighted by. See Duration, renewal and extension of copyright.
Court proceedings:
Civil action (1957) 133/115(b).
Criminal proceedings (1957) 133/115(b).
Deposit of copies, condition precedent (1909) 69/12; (1947) 107/13; (1956) 132/13.
In general (Conn., 1783) 1; (Md., 1783) 6/33; (Mass., 1783) 5; (N.H., 1783) 8; (R.I., 1783) 9; (Pa., 1784) 10/3; (S.C., 1784) 12; (N.C., 1785) 15/1; (Ga., 1786) 17/1; (Ga., 1786) 18/4; (N.Y., 1786) 19/1; (1790) 22/2; (1802) 25/3; (1819) 26; (1831) 28/6, 7; (1831) 30/9; (1861) 34; (1870) 39/102; (1870) 40/106–108; (1873) 42/629, 699, 711; (1873) 43/972; (1873) 46/4963, 4964; (1873) 47/4970; (1891) 52/7; (1893) 54/8; (1897) 56/4966; (1897) 57/1; (1909) 76/26, 27; (1909) 79/34, 35; (1909) 80/38; (1947) 113/102, 103; (1947) 115/110, 111; (1947) 116/114.
See also Infringement of copyright.
Cuts:
May be copyrighted (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952.
See also Copyright deposits; Definitions.
Cyclopaedic works:
Who may secure renewal of copyright (1909) 73/23; (1947) 110/24.
See also Books.

Damages. See Infringement of copyright.
Damages, remedies, penalties, etc. (Conn., 1783) 1; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (S.C., 1784) 12; (N.C., 1785) 15/1; (N.C., 1785) 16/2; (Va., 1785) 14/1; (Ga., 1786) 17/1; (Ga., 1786) 18/4; (N.Y., 1786) 19/1; (N.Y., 1786) 20/4; (1790) 22/2; (1790) 24/6; (1802) 25/3; (1802) 26/4; (1831) 28/6; (1831) 29/7; (1831) 30/9, 11; (1856) 33; (1867) 35/1; (1870) 38/94, 98; (1870) 39/99, 100, 101, 102; (1873) 45/4960; (1873) 46/4963–4965; (1873) 47/4966, 4967; (1891) 52/6, 7; (1891) 53/8, 9; (1895) 55; (1897) 56/4966; (1897) 58/1; (1909) 69/13; (1909) 71/17; (1909) 74–80/25–40; (1912) 88/25; (1912) 89/25(e); (1947) 107/14; (1947) 108/18; (1947) 112–116/101–116; (1952) 127/1(c).
Date of publication, definition of (1909) 86/62; (1947) 110/26.
Defamatory writings, publication of, illegal (Conn., 1783) 3; (Ga., 1786) 18/4; (N.Y., 1786) 20/4.
Definitions:
Author, works made for hire (1909) 86/62; (1947) 110/26.
Book (1865) 35/4.
Date of publication (1909) 86/62; (1947) 110/26.
Engraving; cut; print (1874) 48/3.
Delaware, no copyright enactment, 21.
Deposit of copies, description or title. See Copyright deposits.
Descriptions. See Copyright deposits.
Designs for works of art. See Art, Works of.
Directories. See Books.
Dramatic compositions:
May be copyrighted (1856) 33; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 67/5(d); (1912) 87/5(d); (1947) 104/5(d).
Rights secured (1856) 33; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1897) 56; (1905) 62/4952; (1909) 64/1; (1947) 103/1.
See also Copyright deposits; Infringement of copyright.

Dramatico-musical compositions:
May be copyrighted (1909) 67/5(d); (1912) 87/5(d); (1947) 104/5(d).
See also Copyright deposits; Infringement.
Drawings and plastic works:
May be copyrightable (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 61/7; (1905) 62/4952; (1909) 67/5(i); (1912) 87/5(i); (1947) 105/5(i).
See also Copyright deposits.
Duration of copyright. See Persons entitled to secure copyright.
Duration, renewal and extension of copyright (Conn., 1783) 2; (Md., 1783) 5/2; (Md., 1783) 6/5; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1, 2; (R.I., 1783) 9; (Pa., 1784) 10/3; (Pa., 1784) 11/5; (S.C. 1784) 12; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 18/4; (N.Y., 1786) 19/1; (N.Y., 1786) 20/2; (1790) 22/1; (1802) 25/2; (1831) 27/1–3; (1831) 30/15; (1831) 31/16; (1870) 37/87, 88; (1873) 44/4953, 4954] (1891) 50/2; (1904) 61/5, 6; (1905) 62/4952; (1909) 72–74/21–24; (1919) 93/21; (1947) 109, 110/22–25; (1949) 125/22, 23; (1954) 128/216; (1962) 135.

Employer considered as author in case of works made for hire (1909) 86/62; (1947) 110/26.
English language, books in, published abroad. See Ad interim copyright.
Engravings. See Art, Works of; Definitions; Manufacturing provisions; Prints.
Evidence, prima facie (1909) 80/43; (1909) 82/55; (1909) 83/56; (1912) 90/55; (1947) 111/29; (1947) 117/209; (1947) 118/210.
Executors. See Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Extension of existing copyright. See Ad interim copyright; Duration, renewal and extension of copyright.

Failure to deposit copies. See Copyright deposits.
Failure to publish sufficient edition, court may order publication and grant license to print (Conn., 1783) 1; (S.C., 1784) 22/2; (Ga., 1786) 18/3; (N.Y., 1786) 20/3.
Fees:
In general (Md., 1783) 6/3; (Pa., 1784) 10/4; (S.C., 1784) 13; (Va., 1785) 15/2; (1790) 22/2; (1790) 23/3; (1831) 28/4; (1834) 32/2; (1870) 38/92; (1873) 45/4958; (1874) 48/2, 3; (1891) 51/4; (1897) 57; (1904) 60/4; (1904) 61/7; (1909) 81/49; (1909) 85/61; (1928) 95/61; (1939) 99/3; (1947) 117/203; (1947) 119/215; (1948) 122/215.
In lieu of (1949) 125/215.
Fine arts. See Art, works of.
Foreign author. See Alien author.
Foreign works. See Importation provisions; Manufacturing provisions; Persons entitled to secure copyright; Reciprocal copyright provisions.
Formalities:
Extension of time for compliance (1919) 128/8(b); (1941) 101/8; (1947) 106/9(b); (1954) 128/216; (1954) 129/9(b).
In general. See Copyright deposits; Copyright registration and certificate; Notice of copyright.

Gazetteers. See Books.
Georgia, copyright act (1786) 17.
Government publications of the U.S. (1895) 55/52; (1909) 67/7; (1938) 96/1; (1947) 105/8; (1962) 134/8.
Governmental libraries, transfer of copyright deposits to (1909) 84/59; (1947) 119/213.
See also Copyright deposits.

Hawaii, applicability of U.S. copyright laws in, 138.
Heirs:
Entitled to secure copyright (Conn., 1783) 1; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1856) 33; (1904) 60/1.
See also Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Hire, works made for (1909) 86/62; (1947) 110/26.

Illustrations. See Manufacturing provisions; Prints.
Immoral writings, publication of, prohibited (N.C., 1785) 16/3; (Ga., 1786) 18/4; (N.Y., 1786) 20/4.

Importation provisions:
Piratical copies, prohibition of importation (1909) 77/30, 31; (1947) 114/106, 107.
Prohibition, exemptions and penalties of copyrighted works (1784) 13; (1785) 16/3; (1790) 24/5; (1831) 29/8; (1870) 40/103; (1873) 47/4971; (1891) 50/3; (1897) 58/1; (1909) 77, 78/30–32; (1947) 114, 115/106–108.
Proprietor of copyright must notify Treasury or Post Office Department of illegal importation (1909) 79/33; (1940) 100/33; (1947) 115/109.
Quantitative importation quota (1949) 124/16.
Regulations for, made by Secretary of Treasury and Postmaster General (1891) 51/4; (1909) 79/33; (1940) 100/33; (1947) 115/109.
See also Notice of copyright.
Infringement of copyright:
Attorney's fee allowed in copyright suits (1909) 65/1(e); (1909) 80/40; (1947) 103/1(e); (1947) 116/116.
Condition precedent to suit for infringement (1870) 38/97; (1873) 46/4962; (1874) 47/1; (1909) 69/12; (1914) 91/12; (1947) 107/13; (1956) 132/13.
Costs allowed in copyright cases (S.C., 1784) 14; (1831) 30/12; (1870) 40/108; (1873) 43/972; (1909) 65/1(e); (1909) 80/40; (1947) 103/1(e); (1947) 116/116.
Deposit of copies condition precedent to suit for (1909) 69/12; (1914) 91/12; (1947) 107/13; (1956) 132/13.
Injunction (1819) 26; (1831) 30/9; (1870) 40/106; (1873) 47/970; (1897) 56; (1897) 57; (1897) 58/1; (1909) 72/20; (1909) 74/25(a); (1909) 75/25(e); (1909) 76/27; (1909) 79/36; (1909) 80/37; (1912) 88/25(a); (1912) 89/25(e); (1947) 109/21; (1947) 112/101(a); (1947) 113/101(e), 103; (1947) 116/112, 113.
Innocent infringer (1909) 72/20; (1947) 109/21.
Limitation of actions (Md., 1783) 6/4; (S.C., 1784) 14; (1790) 22/2; (1802) 26/4; (1831) 30/13; (1870) 40/104; (1873) 47/4968; (1909) 80/39; (1947) 116/115; (1957) 133/115.
Mechanical reproduction of music (1909) 65/1(e); (1909) 75/25(e); (1912) 89/25(e); (1947) 103/1(e); (1947) 113/101(e).
Notice of copyright, omission (1909) 72/20; (1947) 109/21.
Plates and copies, forfeiture of (Md., 1783) 5/2; (S.C., 1784) 11; (N.C., 1785) 15/1; (1790) 22/2; (1802) 25/3; (1831) 28/6, 29/7; (1870) 39/99, 100; (1873) 46/4964, 4965; (1891) 52/7, 53/8; (1895) 56; (1909) 75/25(d); (1909) 76/27; (1912) 89/25(d); (1947) 113/101(d), 103.
See also Damages, remedies, penalties, etc.
Injunction. See Infringement of copyright.
Inspection and copying of Copyright Office records (1909) 84/58; (1947) 119/212.
Interim copyright. See Ad interim copyright; Manufacturing provisions.
Interior, Dept. of the (1859) 33/8; (1870) 40/109.
International copyright. See Ad interim copyright; Reciprocal copyright provisions.
Inventor. See Persons entitled to secure copyright.

Juke boxes. See Musical compositions.

Labels and prints. See Manufacturing provisions; Prints.
Lectures. See Works prepared for oral delivery.
Librarian of Congress (1846) 32/10; (1865) 34, 35/2, 3; (1867) 35/1, 2; (1870) 36–38/85, 89–95, 97; (1870) 40, 41/109, 110; (1873) 43–46/4948–4951, 4955–4960, 4962; (1874) 48/1; (1891) 50/4956; (1891) 51/4958; (1891) 52/4959; (1893) 54, 55; (1897) 57, 58; (1900) 59; (1909) 82/47, 48; (1909) 83/51, 53; (1909) 85/58–60; (1947) 108/13; (1947) 110/19; (1947) 117/201–203; (1947) 118/205, 207; (1947) 119/212–214; (1954) 131/19; (1956) 132/13.
Library of Congress (1846) 32/10; (1855) 32/5; (1870) 36/85; (1870) 40/109; (1909) 84/59; (1947) 119/213.
License, compulsory. See Musical compositions—Mechanical reproduction of music.
License to print in case of insufficient edition (Conn., 1783) 1; (S.C., 1784) 13; (Ga., 1786) 18/3; (N.Y. 1786) 20/3.
Limitation of action. See Infringement of copyright.
Limitations for criminal proceedings and civil actions (1957) 133/115.
Literary works, non-dramatic (1952) 127/1(c).
Lithographs and lithographic process. See Manufacturing provisions.
Louisiana Purchase Exposition, reservation of copyright (1904) 61/5. See also Ad interim copyright.

Magazines. See Periodicals.
Manufacturing provisions:
Affidavit of American manufacture (1909) 70/16; (1909) 71/17; (1947) 108/17, 18; (1954) 129/9(c).
In general (1891) 50/3; (1904) 61/6; (1905) 62/4952; (1909) 70/15; (1926) 93/15; (1947) 108/16; (1949) 124/16; (1954) 130/16.
See also Ad interim copyright; Importation provisions.
Maps may be copyrighted (1783) 2; (1785) 15/1; (1786) 17/1; (1790) 22/1; (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 67/5(f); (1912) 87/5(f); (1947) 104/5(f).
Maryland, copyright act (1783) 5.
Massachusetts Bay Colony enactment of May 15, 1672, pp. 4 (Note) and 140.
Massachusetts, copyright act (1783) 4.
Masses performed for charitable and educational purposes. See Musical compositions.
Mechanical reproduction of music. See Musical compositions.
Models for works of art. See Art, Works of.
Mortgage (1909) 80/42; (1947) 111/28.
See also Assignment of copyright.
Motion pictures (1909) 64/1; (1909) 68/11; (1909) 69/12; (1947) 103/1; (1947) 105/5(l), (m); (1947) 107/12, 13.
See also Copyright deposits.
Musical compositions:
May be copyrighted (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 67/5(e); (1912) 87/5(e); (1947) 104/5(e).
Mechanical reproduction of music (1909) 65/1(e); (1909) 75/25(e); (1912) 89/25(e); (1947) 103/1(e); (1947) 113/101(e).
Performing rights (1897) 56; (1909) 65/1(e); (1909) 76/28; (1947) 103/1(e); (1947) 113/104.
See also Copyright deposits; Infringement of copyright.

Nature and extent of copyright (Conn. 1783) 1; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (S.C. 1784) 12; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1790) 22/1; 1802, 25/2; (1831) 27/1; (1856) 33; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 64/1; (1909) 65/1(e); (1909) 67/6; (1909) 76/28; (1947) 103/1; (1947) 105/7; (1947) 113/104; (1952) 127/1(c).
Negatives. See Photographs.
New Hampshire, copyright act (1783) 8; (1842) 8.
New Jersey, copyright act (1783) 6; (1799) 7.
New versions (1865) 35/4; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1891) 50/3; (1891) 52/5; (1904) 61/6; (1905) 62/4952; (1909) 64/1(b); (1909) 67/6; (1947) 103/1(b); (1947) 105/7.
New York, copyright act (1786) 19.
Newspapers. See Periodicals.
Next of kin. See Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Non-dramatic literary works (1952) 127/1(c).
North Carolina, copyright act (1785) 15.
Notice of copyright:
Assignee may substitute name for assignor (1909) 81/46; (1947) 111/32.
Form and position (1802) 24/1; (1831) 28/5; (1870) 38/97; (1873) 46/4962; (1874) 47/1; (1882) 49; (1905) 62/4952; (1909) 71/18; (1909) 72/19; (1947) 108/19; (1947) 109/20; (1954) 131/19.
Name of author required to be printed on work (Mass., 1783) 4; (N.H., 1783) 8; (R.I., 1783) 9.
Omission (1909) 72/20; (1947) 109/21.
One notice in each volume or number of a periodical (1909) 72/19; (1947) 109/20.
Penalty for fraudulent or false (1802) 26/4; (1831) 30/11; (1870) 38/98; (1873) 46/4963; (1891) 52/6; (1897) 58/1; (1909) 76/29; (1909) 77/30; (1947) 114/105, 106.
Publication with, initiates copyright (1909) 68/9; (1947) 106/10.
Removal or alteration (1909) 76/29; (1947) 114/105.

Notice of copyright—Continued
Required on copyrighted works published in U.S. (1909) 68/9; (1947) 106/10.
See also Importation provisions.
Notice of intention to use, and notice of user of, musical work for mechanical reproduction. See Musical compositions—Mechanical reproduction of music.

Oral delivery, works prepared for. See Works prepared for oral delivery.
Oratorios and other choral works performed for charitable and educational purposes. See Musical compositions.

Paintings. See Art, Works of.
Pamphlets. See Books.
Patent Office (1870) 40/110; (1874) 48/3; (1939) 99/3, 4; (1947) 105/6; (1947) 110/25.
Penalties:
Failure to deposit copies (1867) 35/1; (1870) 38/94; (1873) 45/4960; (1909) 69/13; (1947) 107/14.
For false affidavit of American manufacture (1909) 71/17; (1947) 108/18.
For false, removed, or altered notice of copyright (1802) 26/4; (1831) 30/11; (1870) 38/98; (1873) 46/4963; (1891) 52/6; (1897) 58/1; (1909) 76/29; (1947) 114/105.
See also Importation provisions; Infringement of copyright; Manufacturing provisions; Notice of copyright; Damages, remedies, penalties, etc.
Pennsylvania, copyright act (1784) 10.
Periodicals:
Component parts protected (1909) 66/3; (1947) 104/3.
Deposit of copies, including contributions to periodicals (1909) 69/12; (1914) 91/12; (1947) 107/13; (1956) 132/13.
Each number of, requires separate entry (1891) 53/11.
Foreign, transmission through the mails (1879) 48/15;
May be copyrighted (1909) 66/5(b); (1912) 87/5(b); (1947) 104/5(b).
See also Ad interim copyright; Copyright deposits; Importation provisions; Manufacturing provisions.
Persons entitled to secure copyright (Conn., 1783) 1; (Md., 1783) 5/2; (Mass., 1783) 4; (N.H., 1783) 8; (N.J., 1783) 7/1; (R.I., 1783) 9; (Pa., 1784) 10/3; (Pa., 1784) 11/5; (S.C., 1784) 11; (N.C., 1785) 15/1; (Va., 1785) 14/1; (Ga., 1786) 17/1; (N.Y., 1786) 19/1; (1790) 22/1; (1802) 25/2; (1831) 27/1, 2; (1856) 33; (1865) 34/1; (1870) 36/86; (1870) 37/88; (1873) 44/4952, 4954; (1891) 49/1; (1891) 50/2; (1891) 53/13; (1904) 60/1; (1904) 61/7; (1905) 62/4952; (1909) 64/1; (1909) 68/8; (1919) 137/8; (1909) 73, 74/23, 24; (1939) 99/4; (1947) 103/1; (1947) 105/9; (1947) 110/24, 25; (1954) 129/9.
See also Duration of copyright; Reciprocal copyright provisions.
Photoengravings and photoengraving process. See Manufacturing provisions.
Photographs:
May be copyrighted (1865) 34/2; (1870) 36/86; (1873) 44/4952; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 67/5(j); (1912) 87/5(j); (1947) 105/5(j).
See also Copyright deposits; Importation provisions.
Photoplays. See Motion pictures.
Pictorial illustrations. See Manufacturing provisions; Prints.
Piracy. See Infringement of copyright.
Piratical copies. See Importation provision; Infringement of copyright.
Plastic works. See Drawings and plastic works.
Plates from type set. See Manufacturing provisions.
Plays. See Dramatic and dramatico-musical compositions.
Post Office Department. See Catalog of Copyright Entries; Catalog of Title Entries; Importation provisions; Periodicals.
Posthumous works. See Duration, renewal and extension of copyright.
Postmaster General. See Catalog of Copyright Entries; Catalog of Title Entries; Government publications of the U.S.; Importation provisions; Periodicals.
Price, court may regulate if unreasonable (Conn., 1783) 1; (S.C., 1784) 11; (N.C., 1785) 16/2; (Ga., 1786) 18/3; (N.Y., 1786) 20/3.
Prints:
May be copyrighted (1802) 25/2; (1831) 27/1; (1870) 36/86; (1873) 44/4952; (1874) 48/3; (1891) 49/1; (1904) 60/1; (1905) 62/4952; (1909) 67/5(k); (1912) 87/5(k); (1939) 99/2; (1947) 105/5(k).

See also Copyright deposits; Definitions; Importation provisions; Manufacturing provisions.
Proclamation, Presidential, for international copyright relations. See Reciprocal copyright provisions.
Profane writings, publication of, illegal (Conn., 1783) 1; (Ga., 1786) 18/4; (N.Y., 1786) 20/4.
Profits. See Infringement of copyright.
Proprietor:
Common-law right (1909) 66/2; (1947) 104/2.
Employment for hire (1909) 86/62; (1947) 110/26.
Entitled to secure copyright (S.C., 1784) 11; (1870) 36/86; (1870) 37/88; (1873) 44/4952; (1891) 49/1; (1891) 50/2; (1905) 62/4952; (1909) 68/8; (1909) 73/23; (1909) 74/24; (1909) 86/62; (1919) 137/8; (1939) 99/4; (1947) 105/9; (1947) 110/24–26; (1954) 129/9.
See also Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Pseudonymous works. See Duration, renewal and extension of copyright.
Public domain, works in (1909) 67/6, 7; (1947) 105/7, 8; (1962) 134/8.
Publication, date of. See Definitions.
Publications by the United States Government.
See Government publications of the U.S.
Puerto Rico, applicability of U.S. copyright laws in, 139.

Receipt for copies. See Copyright deposits.
Reciprocal copyright provisions (Conn., 1783) 1; (Mass., 1783) 4; (Md., 1783) 5/6; (N.H., 1783) 8; (R.I., 1783) 9; (Pa., 1784) 11/7; (N.C., 1785) 16/3; (Ga., 1786) 18/4; (N.Y., 1786) 20/4; (1891) 53/13; (1905) 62/4952; (1909) 65/1(e); (1909) 68/8(b); (1919) 137/8(b); (1947) 103/1(e); (1947) 106/9(b); (1954) 129/9(b, c).
See also Formalities.
Record of copyright. See Copyright registration and certificate.
Recordings. See Dramatic compositions; Musical compositions; Non-dramatic literary works.
Recovery of damages. See Infringement of copyright.
Register of Copyrights (1897) 57; (1900) 59; (1909) 68/10; (1909) 69/12, 13; (1909) 81–85/45, 47–57, 61; (1913) 90/55; (1914) 91/12; (1928) 95/57, 61; (1939) 99/3, 4; (1940) 100/33; (1947) 105–107/6, 11, 13, 14; (1947) 110/25; (1947) 111/31; (1947) 115/109; (1947) 116–119/201–205, 207–212, 214, 215; (1956) 132/13.
Registration. See Copyright registration and certificate.
Regulations for registration of claims to copyright (1909) 82/53; (1947) 117/207.
Remedies. See Damages, remedies, penalties, etc.
Remedies for infringement. See Infringement of copyright.
Renewal copyright:
Extension of time for filing application (1941) 101/8; (1947) 106/9(b); (1954) 128/216; (1954) 129/9(b); (1962) 135.
Renewal copyright extended to December 31, 1965 (1962) 135.
See also Ad interim copyright; Duration, renewal and extension of copyright.
Reproductions of works of art. See Art, Works of.
Reservation of copyright. See Ad interim copyright; Manufacturing provisions.
Rhode Island, copyright act (1783) 9.
Rights secured. See Nature and extent of copyright.
Royalties. See Infringement of copyright.
Royalty for use of music. See Infringement of copyright.
Rules and regulations for registration of claims to copyright (1909) 82/53; (1947) 117/207.

Scientific drawings or plastic works. See Drawings and plastic works.
Sculpture. See Art, Works of.
Seal of Copyright Office (1909) 82/52; (1947) 117/206.
Seal of Librarian of Congress (1870) 36/85; (1873) 43/4949.
Searches, fees for (1909) 85/61; (1947) 119/215; (1948) 122/215.
Secretary of the Treasury. See Catalog of Copyright Entries; Catalog of Title Entries; Importation provisions.
Sermons. See Works prepared for oral delivery.
Smithsonian Institution (1846) 32/10; (1855) 32/5.
South Carolina, copyright act (1784) 11.
State, Department of (1831) 28/4; (1859) 33/8.

States, original, copyrights acts of. See Copyright acts of original States.
Statute of limitations. See Court proceedings; Infringement of copyright.
Subject-matter of copyright. See Copyrightable subject-matter.
Superintendent of Documents, Catalog of Copyright Entries (1909) 83/57; (1928) 95/57; (1947) 118/211; (1948) 122/211.
Supreme Court of the United States, Rules, (1909) 75/25(e); (1912) 89/25(e); (1947) 113/101(f).

Technical drawings or plastic works. See Drawings and plastic works.
Time for taking action. See Ad interim copyright; Assignment of copyright; Renewal copyright.
Titles, printed. See Copyright deposits.
Transcriptions. See Dramatic compositions; Musical compositions; Non-dramatic literary works.
Translations. See New versions.
Treasonable writings, publication of, illegal (Conn., 1783) 1; (N.C., 1785) 16/3; (Ga., 1786) 18/4; (N.Y., 1786) 20/4.
Treasury Department. See Catalog of Copyright Entries; Catalog of Title Entries; Importation provisions.
Type set within the United States, plates to be made from. See Manufacturing provisions.
Typesetting. See Manufacturing provisions.

United States, copyright acts of. See Copyright acts of the United States.
Universal Copyright Convention (1954) 129/9(c).
Unpublished works:
  Common-law right (1909) 66/2; (1947) 104/2.
  May be copyrighted (1909) 68/11; (1912) 87/11; (1947) 107/12.
  See also Copyright deposits.

Virgin Islands, applicability of U.S. copyright laws in, 139.
Virginia, copyright act (1785) 14.

Widow of the author. See Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Widower of the author. See Duration, renewal and extension of copyright; Persons entitled to secure copyright.
Works of Art and Works of Fine Art. See Art, Works of.
Works prepared for oral delivery:
  May be copyrighted (1909) 67/5(c); (1912) 87/5(c); (1947) 104/5(c).
  Performing rights (1909) 64/1(c); (1947) 103/1(c); (1952) 127/1(c).
  Recording, performing and other rights (1952) 127/1(c).
  See also Infringement of copyright.
Works republished with new matter. See New versions.

U. S. GOVERNMENT PRINTING OFFICE : 1963 O - 685 - 914